UNITED STATES CODE

1970 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES, IN FORCE
ON JANUARY 20, 1971

Prepared and published under authority of Title 1, U.S. Code, Section 202 (c)
by the Committee on the Judiciary of the House of Representatives

VOLUME ELEVEN

TITLE 50—WAR AND NATIONAL DEFENSE
AND
TABLES

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1971

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TITLES OF UNITED STATES CODE

* 1. General Provisions.

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* 3. The President.

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* 5. Government Organization and Employees.

* 6. Official and Penal Bonds.

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*This title has been enacted as law.
†This title has been eliminated by the enactment of Title 10.

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PREFACE—1970 EDITION

This eighth edition of the United States Code was prepared and published pursuant to section 202 (c) of Title 1 of the Code. It contains a consolidation and codification of all the general and permanent laws of the United States which are in force on January 20, 1971. By statutory authority this edition may be cited "U.S.C. 1970 ed." Previous editions were published in 1926, 1934, 1940, 1946, 1952, 1958, and 1964.

Inasmuch as many of the general and permanent laws which are required to be incorporated in this Code are inconsistent, redundant, and obsolete, the Committee on the Judiciary is engaged in a comprehensive project of revising and enacting the Code into law, title by title. In furtherance of this plan bills have been enacted to revise, codify and enact into law Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44. In addition, bills relating to other titles are also being prepared for introduction. When this work is completed all the titles of the Code will be legal evidence of the general and permanent law and recourse to the numerous volumes of the Statutes at Large for this purpose will be unnecessary.

The title and chapter structure of the 1964 edition, together with Supplement V thereto, has been substantially preserved, the only changes made having been necessitated by the enactment of legislation since 1964.

In this edition numerous notes have been added captioned "Section referred to in other sections". These notes have been inserted following each section that is referred to in the text of another section, indicating the section that contains the internal reference. They should be extremely useful to the Congress, the bench and bar, and the public.

The actual work of preparing and editing the material for this edition was done by the West Publishing Co. of St. Paul, Minnesota, under the supervision of the Committee on the Judiciary of the House of Representatives. West Publishing Co. prepared the original Code which Congress enacted in 1926 and has continuously served the Committee since that time in the preparation of the authorized new editions and Supplements to the Code. Grateful acknowledgment is made to the editorial and manuscript staffs of the publishing company and of Joseph Fischer, Esq., the law revision counsel for the Committee, and his staff for their untiring efforts to make this edition as nearly perfect as possible. Acknowledgment of valuable assistance is made also to various officers of Government departments and agencies and the Government Printing Office for their helpful suggestions and criticisms.

The Committee on the Judiciary invites criticisms or suggestions with the view of improving the Code wherever possible. It is hoped that the program of enacting the entire Code, title by title, to improve its present status as merely prima facie evidence of the law, will meet with early success.

Emanuel Celler

Chairman,
Committee on the Judiciary.

Robert W. Kastenmeier

Chairman, Subcommittee No. 3,
Committee on the Judiciary.

WASHINGTON, D.C., *January 2, 1971.*

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RATIFICATION OF JAPANESE TREATY

The Treaty of Peace with Japan, signed at San Francisco on September 8, 1951 was ratified by the United States Senate on March 20, 1952. For Resolution of Ratification, see Congressional Record. Vol. 98, No. 46, Thursday, March 20, 1952. p. 2634. According to 1952 Proc. No. 2974, Apr. 29, 1952, 17 F.R. 3813, terminating the national emergencies proclaimed on September 8, 1939, and May 27, 1941, and set out as a note preceding section 1 of the Appendix to this title, such treaty came into force on Apr. 28, 1952.

CROSS REFERENCES

Establishment of the National Security Council and the Central Intelligence Agency, see chapter 15 of this title.

Lease of buildings in time of war, see sections 4780 and 9780 of Title 10, Armed Forces.

Proclamations, etc., respecting war and neutrality, see notes preceding section 1 of Appendix to this title.

Chapter 1.—COUNCIL OF NATIONAL DEFENSE

Sec.
1. Creation purpose, and composition of council.
2. Advisory commission.
3. Duties of council.
4. Rules and regulations; subordinate bodies and committees.
5. Reports of subordinate bodies and committees; unvouchered expenditures.
6. Repealed.

§ 1. Creation, purpose, and composition of council.

A Council of National Defense is established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

CODIFICATION

Sections 1—5 of this title are from section 2 of the Army Appropriation Act for the fiscal year 1916.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F. R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

SECRETARY OF THE AIR FORCE

For transfer of certain membership functions, insofar as they pertain to the Air Force, which functions were not previously transferred from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 40 [App. C(11)], July 22, 1949.

CROSS REFERENCES

National Security Council and Central Intelligence Agency, see chapter 15 of this title.

§ 2. Advisory commission.

The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council,

for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

§ 3. Duties of council.

It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

CODIFICATION

Words "extensive highways and", which preceded "branch lines of railroad", were omitted on authority of act, Nov. 9, 1921, ch. 119, § 3, 42 Stat. 212.

§ 4. Rules and regulations; subordinate bodies and committees.

The Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650.)

§ 5. Reports of subordinate bodies and committees; unvouchered expenditures.

Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto. When deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650; Aug. 7, 1946, ch. 770, § 1 (53), 60 Stat. 870.)

CODIFICATION

Second sentence of this section was codified from a proviso to the first sentence, which was affected by Act Aug. 7, 1946.

AMENDMENTS

1946—Act Aug. 7, 1946, repealed all provisions requiring annual reports to Congress of the Council's activities and expenditures.

§ 6. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

Section, act June 5, 1920, ch. 235, § 1, 41 Stat. 886, placed a limit on the salaries of officers and employees of the Council on National Defense.

Chapter 2.—BOARD OF ORDNANCE AND FORTIFICATION

§§ 11 to 15. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029.

Section 11, act Sept. 22, 1888, ch. 1028, § 1, 25 Stat. 489, related to composition and duties of the Board of Ordnance and Fortification.

Section 12, act Feb. 24, 1891, ch. 283, § 1, 26 Stat. 769, provided for a civilian member of the Board.

Section 13, act Mar. 2, 1901, ch. 803, 31 Stat. 910, provided for additional members of the Board.

Section 14, act Feb. 18, 1893, ch. 136, § 1, 27 Stat. 461, related to qualifications of Board Members.

Section 15, act Sept. 22, 1888, ch. 1028, § 6, 25 Stat. 490, related to purchases and tests.

Chapter 3.—ALIEN ENEMIES

Sec.
21. Restraint, regulation, and removal.
22. Time allowed to settle affairs and depart.
23. Jurisdiction of United States courts and judges.
24. Duties of marshals.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 22, sections 141, 142, 149, 155, 165, 176, 177, 178, 181, 182, 183.

§ 21. Restraint, regulation, and removal.

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety. (R. S. § 4067; Apr. 16, 1918, ch. 55, 40 Stat. 531.)

DERIVATION

Act July 6, 1798, ch. 66, § 1, 1 Stat. 577.

AMENDMENTS

1918—Act Apr. 16, 1918, omitted provision restricting this section to males.

WORLD WAR II PROCLAMATIONS

The following proclamations under this section were issued during World War II:

Proc. No. 2525, Dec. 7, 1941, 6 F. R. 6321, 3 C. F. R. Cum. Supp. p. 273.

Proc. No. 2526, Dec. 8, 1941, 6 F. R. 6323, 3 C. F. R. Cum. Supp. p. 276.

Proc. No. 2527, Dec. 8, 1941, 6 F. R. 6324, 3 C. F. R. Cum. Supp. p. 278.

Proc. No. 2533, Dec. 29, 1941, 3 C. F. R. Cum. Supp p. 283.

Proc. No. 2537, Jan. 14, 1942, 7 F. R. 329, 3 C. F. R. Cum. Supp. p. 287, revoked by Proc. No. 2678, Dec. 29, 1945, 11 F. R. 221, 3 C. F. R. 1946 Supp. p. 53.

Proc. No. 2563, July 17, 1942, 7 F. R. 5535, 3 C. F. R. Cum. Supp. p. 313.

Proc. No. 2655, July 14, 1945, 10 F. R. 8947, 3 C. F. R. 1945 Supp. p. 29.

Proc. No. 2674, Dec. 7, 1945, 10 F. R. 14945, 3 C. F. R. 1945 Supp. p. 43.

Proc. No. 2685, Apr. 11, 1946, 11 F. R. 4079, 3 C. F. R. 1946 Supp. p. 57, set out as a note preceding section 1 of Appendix to this title.

WORLD WAR I PROCLAMATIONS

Proclamations issued under this chapter during the years 1917 and 1918 will be found in 40 Stat. 1651, 1716, 1730, and 1772.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22 of this title.

§ 22. Time allowed to settle affairs and depart.

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. (R. S. § 4068.)

DERIVATION

Acts July 6, 1798, ch. 66, § 1, 1 Stat. 577; July 6, 1812, ch. 130, 2 Stat. 781.

§ 23. Jurisdiction of United States courts and judges.

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed. (R. S. § 4069.)

DERIVATION

Act July 6, 1798, ch. 66, § 2, 1 Stat. 577.

§ 24. Duties of marshals.

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be. (R. S. § 4070.)

DERIVATION

Act July 6, 1798, ch. 66, § 3, 1 Stat. 578.

Chapter 4.—ESPIONAGE

§§ 31 to 39. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 31, acts June 15, 1917, ch. 30, title I, § 1, 40 Stat. 217; Mar. 28, 1940, ch. 72, title I, § 1, 54 Stat. 79, related to unlawful obtaining or permitting to be obtained information affecting national defense, and is now covered by section 793 of Title 18, Crimes and Criminal Procedure.

Section 32, act June 15, 1917, ch. 30, title I, § 2, 40 Stat. 218, related to unlawful disclosures affecting national defense, and is now covered by section 794 of Title 18, Crimes and Criminal Procedure.

Section 33, act June 15, 1917, ch. 30, title I, § 3, 40 Stat. 219, related to seditious or disloyal acts or words in time of war, and is now covered by section 2388 of Title 18, Crimes and Criminal Procedure. Former section 33 was amended by act May 16, 1918, ch. 75, § 1, 40 Stat. 553, which was repealed and the original section reenacted by Res. Mar. 3, 1921, ch. 136, 41 Stat. 1359.

Section 34, act June 15, 1917, ch. 30, title I, § 4, 40 Stat. 219, related to conspiracy to violate former sections 32 and 33 of this title, and is now covered by sections 794 and 2388 of Title 18, Crimes and Criminal Procedure.

Section 35, acts June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79, related to the harboring or concealing of violators of the law, and is now covered by sections 792 and 2388 of Title 18, Crimes and Criminal Procedure.

Section 36, act June 15, 1917, ch. 30, title I, § 6, 40 Stat. 219, related to designation by proclamation of prohibited areas, and is now covered by section 793 of Title 18, Crimes and Criminal Procedure.

Section 37, act June 15, 1917, ch. 30, title I, § 8, 40 Stat. 219, related to places subject to provisions of former sections 31—42 of this title, and is now covered by section 2388 of Title 18, Crimes and Criminal Procedure.

Section 38, act June 15, 1917, ch. 30, title I, § 7, 40 Stat. 219, related to the jurisdiction of courts-martial and military commissions, and is now not covered.

Section 39, act June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, related to jurisdiction of Canal Zone courts over offenses on high seas, and is now covered by section 3241 of Title 18, Crimes and Criminal Procedure.

§ 40. "United States" defined.

CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231, has been transferred to section 195 of this title.

§ 41. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, act June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226, related to definition of "Foreign government" and is now covered by section 11 of Title 18, Crimes and Criminal Procedure.

§ 42. Effect of partial invalidity of chapter.

CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231, is now set out as a note under section 191 of this title.

Chapter 4A.—PHOTOGRAPHING, SKETCHING, MAPPING, ETC., DEFENSIVE INSTALLATIONS

§§ 45 to 45d. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 45, act Jan. 12, 1938, ch. 2, § 1, 52 Stat. 3, related to photographing of defensive installations, and is now covered by sections 795—797 of Title 18, Crimes and Criminal Procedure.

Section 45a, act Jan. 12, 1938, ch. 2, § 2, 52 Stat. 3, related to photographing, etc., from aircraft, and is now covered by section 796 of Title 18, Crimes and Criminal Procedure.

Section 45b, act Jan. 12, 1938, ch. 2, § 3, 52 Stat. 3, related to reproducing, publishing, selling uncensored copies, and is now covered by section 797 of Title 18, Crimes and Criminal Procedure.

Section 45c, act Jan. 12, 1938, ch. 2, § 4, 52 Stat. 4, related to definitions of "aircraft", "post", "camp", and "station", and is now covered by sections 795 and 796 of Title 18, Crimes and Criminal Procedure.

Section 45d, act Jan. 12, 1938, ch. 2, § 5, 52 Stat. 4, related to geographical application of law, and is now not covered.

Chapter 4B.—DISCLOSURE OF CLASSIFIED INFORMATION

§§ 46 to 46b. Repealed. Oct. 31, 1951, ch. 655, § 56(c), 65 Stat. 729.

Sections, act May 13, 1950, ch. 185, §§ 1—3, 64 Stat. 159, 160, related to unlawful disclosure of classified information such as codes, code systems, intelligence activities, etc., definitions in connection therewith, and penalty for, and are now covered by section 798 of Title 18, Crimes and Criminal Procedure.

SAVINGS CLAUSE

Subsec. (*l*) of section 56 of act Oct. 31, 1951, provided that the repeal of these sections should not affect any rights or liabilities existing hereunder on the effective date of that repeal (Oct. 31, 1951).

Chapter 4C.—ATOMIC WEAPONS INFORMATION REWARDS

Sec.
47a. Information concerning illegal introduction or manufacture; reward.
47b. Awards Board; composition; determinations.
47c. Aliens; waiver of admission requirements.
47d. Hearings; rules and regulations.
47e. Certification of award; approval; payment.
47f. Definitions.

§ 47a. Information concerning illegal introduction or manufacture; reward.

Any person who furnishes original information to the United States—

(a) leading to the finding or other acquisition by the United States of any special nuclear material or atomic weapon which has been introduced into the United States, or which has been manufactured or acquired therein contrary to the laws of the United States, or

(b) with respect to an attempted introduction into the United States or an attempted manufacture or acquisition therein of any special nuclear material or atomic weapon, contrary to the laws of the United States,

shall be rewarded by the payment of an amount not to exceed $500,000. (July 15, 1955, ch. 372, § 2, 69 Stat. 365.)

SHORT TITLE

Congress in enacting this chapter, provided by section 1 of act July 15, 1955, that it should be popularly known as the "Atomic Weapons Rewards Act of 1955".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47b of this title.

§ 47b. Awards Board; composition; determinations.

An Awards Board consisting of the Secretary of the Treasury (who shall be the Chairman), the Secretary of Defense, the Attorney General, the Director of Central Intelligence, and of one member of the Atomic Energy Commission designated by that Commission, shall determine whether any person furnishing information to the United States is entitled to any award and the amount thereof to be paid pursuant to section 47a of this title. In determining whether any person furnishing information to the United States is entitled to an award and the amount of such award, the Board shall take into consideration—

(a) whether or not the information is of the type specified in section 47a of this title, and

(b) whether the person furnishing the information was an officer or employee of the United States and, if so, whether the furnishing of such information was in the line of duty of that person.

Any reward of $50,000 or more shall be approved by the President. (July 15, 1955, ch. 372, § 3, 69 Stat. 365.)

ABOLITION OF AWARDS BOARD

The Awards Board provided for in this section was abolished and its functions, including the functions of the chairman and other officers, transferred to the Attorney General by sections 11(d) and 13(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47c, 47d, 47e, of this title.

§ 47c. Aliens; waiver of admission requirements.

If the information leading to an award under section 47b of this title is furnished by an alien, the Secretary of State, the Attorney General, and the Director of Central Intelligence, acting jointly, may determine that the entry of such alien into the United States is in the public interest and, in that event, such alien and the members of his immediate family may receive immigrant visas and may be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act. (July 15, 1955, ch. 372, § 4, 69 Stat. 366.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in the text, is classified to chapter 12 of Title 8, Aliens and Nationality.

ABOLITION OF AWARDS BOARD

The Awards Board provided for in section 47b of this title was abolished and its functions, including the functions of the chairman and other officers, were transferred to the Attorney General by sections 11(d) and 13(a) of Reog. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Requirements for admission of aliens, see section 1182 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47f of this title.

§ 47d. Hearings; rules and regulations.

The Board established under section 47b of this title is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this chapter. (July 15, 1955, ch. 372, § 5, 69 Stat. 366.)

ABOLITION OF AWARDS BOARD

The Awards Board provided for in section 47b of this title was abolished and its functions, including the functions of the chairman and other officers, were transferred to the Attorney General by sections 11(d) and 13(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 47e. Certification of award; approval; payment.

Any awards granted under section 47b of this title shall be certified by the Awards Board and, together with the approval of the President in those cases where such approval is required, transmitted to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended. (July 15, 1955, ch. 372, § 6, 69 Stat. 366.)

REFERENCES IN TEXT

The National Security Act of 1947 referred to in the text, was classified to sections 171–171n, 181–1, 181–2, 411a, 411b, 626–626c of former Title 5 and to sections 401–405 of this title.

ABOLITION OF AWARDS BOARD

The Awards Board provided for in section 47b of this title was abolished and its functions, including the functions of the chairman and other officers, were transferred to the Attorney General by sections 11(d) and 13(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 47f. Definitions.

As used in this chapter—

(a) The term "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(b) The term "atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(c) The term "special nuclear material" means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954.

(d) The term "United States," when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United States and the Canal Zone; except that in section 47c of this title, the term "United States" when so used shall have the meaning given to it in the Immigration and Nationality Act. (July 15, 1955, ch. 372, § 7, 69 Stat. 366.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (c), is classified to chapter 23 of Title 42, The Public Health and Welfare.

The Immigration and Nationality Act, referred to in subsec. (d), is classified to chapter 12 of Title 8, Aliens and Nationality.

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

Sec.
51 to 66. Repealed.
67. Loan or gift of condemned or obsolete equipment.
68 to 81. Repealed.
82. Procurement of ships and material during war; changes in contracts; commandeering factories, etc.
83 to 85. Repealed.
86 to 88. Omitted.

EDUCATION AND EXPERIMENTATION IN DEVELOPMENT OF MUNITIONS AND MATERIALS FOR NATIONAL DEFENSE

91 to 94. Repealed.
95. Research, experimentation, and development of rotary-wing and other aircraft; appropriation; reports and recommendations; construction.
96. Repealed.

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

98. Declaration of policy.
98a. Strategic and critical materials; determination; quantity and quality to be purchased; formation and functions of industry advisory committees; subsistence and traveling expenses of members.
98b. Purchase, storage, refinement, rotation, and disposal of materials.
98c. Reports to Congress.
98d. Release of stock pile materials.
98e. Transfer of surplus materials to stock piles; exceptions; payments; reduction of amount of obligations of Reconstruction Finance Corporation.
98f. Investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc.
98g. Appropriations.
98h. Disposition of receipts.
98i. Repealed.
99. Prohibition or curtailment of exportation of military equipment or supplies; penalties.
100. Nitrate plants.
(a) Investigations; designation of sites; construction and operation of dams, locks, improvements to navigation, etc.
(b) Lease, purchase, or acquisition of lands and rights of way; purchase or acquisition of materials, minerals, and processes.
(c) Use of products of plants; disposal of surplus.
(d) Employment of officers, agents, or agencies.
(e) Government construction and operation.
100a. Scrap-processing facilities; acquisition, construction, or operation.

CROSS REFERENCES

Acquisition of sites for armories, nitrate plants, and so forth, see section 2663 of Title 10, Armed Forces.

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

§§ 51 to 57. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 51, act Aug. 5, 1882, ch. 395, 22 Stat. 299, related to the pay of the master amorer at Springfield Armory.

Section 52, act June 23, 1874, ch. 486, 18 Stat. 282, related to the pay of clerks at Springfield Armory.

Section 53, R. S. § 1665, required an annual account of the expenses of the national armories, together with an account of the arms made and repaired thereon.

Section 54, acts Aug. 18, 1890, ch. 797, § 2, 26 Stat. 320; Aug. 7, 1946, ch. 770, § 1 (52), 60 Stat. 870, related to accounts of cost of type and experimental manufacture of guns and other articles.

Section 55, R. S. § 1666, authorized the Secretary of War to abolish useless or unnecessary arsenals, and is now covered by section 4532 (b) of Title 10, Armed Forces.

Section 56, R. S. § 1669, provided for forfeitures by reason of misconduct of workmen in armories.

Section 57, R. S. § 1671, exempted from jury duty all artificers and workmen employed in the armories and arsenals, of the United States.

§ 58. Repealed. Sept. 1, 1954, ch. 1208, title III, § 305 (d), 68 Stat. 1114.

Section, act July 17, 1912, ch. 236, 37 Stat. 193, related to awards, and is now covered by chapter 45 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Sept. 1, 1954.

§§ 59 to 66. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 59, act July 26, 1886, ch. 781, § 1, 24 Stat. 151, related to testing of rifled cannon for the Navy.

Section 60, act July 8, 1918, ch. 137, § 1, 40 Stat. 817, authorized the transfer of naval ordnance and ordnance material from the Navy Department to the Department of War.

Section 61, acts Mar. 3, 1879, ch. 183, 20 Stat. 412; Apr. 14, 1937, ch. 79, 50 Stat. 63, authorized the issuance of arms and ammunition to protect public property, provided for reimbursement, and is now covered by section 4655 of Title 10, Armed Forces.

Section 62, acts Feb. 10, 1920, ch. 64, 41 Stat. 403; June 5, 1920, ch. 240, 41 Stat. 976; May 26, 1952, ch. 334, 66 Stat. 94, authorized loan of rifles to organizations of honorably discharged soldiers, and is now covered by section 4683 of Title 10, Armed Forces.

Section 62a, act June 30, 1906, ch. 3938, 34 Stat. 817, authorized the loan of ordnance to schools and State homes for veterans' orphans, and is now covered by sections 4685 and 9685 of Title 10, Armed Forces.

Section 62b, act Dec. 15, 1926, ch. 10, 44 Stat. 922, authorized the Secretary of War to relieve posts or camps or organizations composed of honorably discharged soldiers, sailors, or marines, and sureties on bonds, from liability on account of loss or destruction of rifles, slings, and cartridge belts loaned to such organizations, and is now covered by section 4683 of Title 10, Armed Forces.

Section 62c, acts May 29, 1934, ch. 369, 48 Stat. 815; Aug. 30, 1935, ch. 826, 49 Stat. 1013 authorized the Secretary of War to donate Army equipment loaned under authority of former section 62 of this title.

Section 63, act May 11, 1908, ch. 163, 35 Stat. 125, authorized the sales of ordnance property to schools and State homes for veterans' orphans, and is now covered by sections 4625 (c) and 9625 (c) of Title 10, Armed Forces.

Section 64, act May 28, 1908, ch. 215, § 14, 35 Stat. 443; June 28, 1950, ch. 383, title IV, § 402 (g), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (26), 65 Stat. 707, authorized the sale of obsolete small arms to patriotic organizations, and is now covered by sections 4684 and 9684 of Title 10, Armed Forces.

Section 64a, act Mar. 3, 1875, ch. 130, § 1, 18 Stat. 388, provided for the sale of useless ordnance materials, appropriated an amount equal to the net proceeds of the sale for the purpose of procuring a supply of material, and limited expenditures to not more than $75,000 in any one year.

Section 65, acts Apr. 23, 1904, ch. 1485, 33 Stat. 276; Aug. 1, 1953, ch. 305, title VI, § 645, 67 Stat. 357, authorized the sale of serviceable ordnance and ordnance stores to American designers, and is now covered by sections 4507 and 9507 of Title 10, Armed Forces.

Section 66, acts Feb. 8, 1889, ch. 116, 25 Stat. 657; Mar. 3, 1899, ch. 423, § 1, 30 Stat. 1073; May 26, 1900, ch. 586, 31 Stat. 216; June 28, 1950, ch. 383, title IV, § 402 (e), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (27), 65 Stat. 707, authorized the issuance of condemned ordnance to State homes for soldiers and sailors, and is now covered by sections 4686 and 9686 of Title 10, Armed Forces.

§ 67. Loan or gift of condemned or obsolete equipment.

CODIFICATION

Section was transferred to section 150p of former Title 5, and was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See section 2572 of Title 10, Armed Forces.

§§ 68 to 71. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 68, acts Mar. 4, 1909, ch. 319, § 47, 35 Stat. 1075; June 28, 1950, ch. 383, title IV, § 402 (i), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (28), 65 Stat. 708, authorized the sale of obsolete ordnance for public parks, public buildings and soldiers' monuments purposes and is now covered by sections 4684 and 9684 of Title 10, Armed Forces.

Section 69, act Mar. 2, 1905, ch. 1307, 33 Stat. 841, authorized the sale of individual pieces of armament, and is now covered by section 2574 of Title 10, Armed Forces.

Section 70, acts Mar. 3, 1909, ch. 252, 35 Stat. 751; June 28, 1950, ch. 383, title IV, § 402 (h), 64 Stat. 273, authorized sale of ordnance property to officers of the Navy and Marine Corps, and is now covered by section 4625 (a) and 9625 (a) of Title 10, Armed Forces.

Section 71, act Mar. 3, 1909, ch. 252, 35 Stat. 750, authorized sale of ordnance stores to civilian employees of the Army and to the American National Red Cross, and is now covered by sections 4625 (b) and 9625 (b) of Title 10, Armed Forces.

§ 72. Repealed. May 1, 1937, ch. 146, § 5 (i), 50 Stat. 126.

Section, act Aug. 29, 1916, ch. 418, § 1, 39 Stat. 643, related to the sale of ordnance and stores to Cuba.

§ 73. Repealed. Aug. 1, 1953, ch. 305, title VI, § 645, 67 Stat. 357.

Section, act Apr. 23, 1904, ch. 1485, 33 Stat. 276, related to disposition of proceeds from sales of serviceable ordnance and stores, and is now covered by sections 2208 and 2210 of Title 10, Armed Forces.

§§ 74 to 81. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 74, act Jan. 22, 1923, ch. 28, 42 Stat. 1142, provided that the net proceeds of sales of useless ordnance material by the Navy Department should be covered into the Treasury as "Miscellaneous receipts", and is now covered by section 7543 of Title 10, Armed Forces.

Section 75, act Aug. 24, 1912, ch. 391, § 1, 37 Stat. 589, related to payment for transfers of ordnance or stores to bureaus or departments.

Section 76, act June 20, 1878, ch. 359, § 1, 20 Stat. 223, authorized the private use of a machine for testing iron and steel, and is now covered by section 4508 of Title 10, Armed Forces.

Section 77, acts Mar. 3, 1885, ch. 360, 23 Stat. 502; May 29, 1928, ch. 901, par. 27, 45 Stat. 988, regulated tests of iron and steel and other materials for industrial purposes, and is now covered by section 4508 of Title 10, Armed Forces.

Section 78, act June 3, 1916, ch. 134, § 123, 39 Stat. 215, related to gauges, dies, and tools for manufacture of arms, and is now covered by sections 4505 and 9505 of Title 10, Armed Forces.

Section 79, act June 3, 1916, ch. 134, § 124, 39 Stat. 215, related to nitrate plants, and is now covered by section 100 of this title.

Section 80, act June 3, 1916, ch. 134, § 120, 39 Stat. 213, 214, related to procurement of war material and mobilization of industries, and is now covered by sections 4501, 4502, 9501, and 9502 of Title 10, Armed Forces.

Section 81, act May 14, 1928, ch. 544, 45 Stat. 509, authorized the Secretary of War to secure the assistance, whenever practicable, of the Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in the execution of military surveys and maps, and is now covered by sections 4537 and 9537 of Title 10, Armed Forces.

§ 82. Procurement of ships and material during war; changes in contracts; commandeering factories, etc.

(a) The word "person" as used in subsections (b) and (c) of this section shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) In time of war the President is authorized and empowered, in addition to all other existing provisions of law:

First. Within the limits of the amounts appropriated therefor, to place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and, within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

(d) [1] Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of subsection (b) of this section, it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per centum shall make up such amount as will be just compensation therefor, in the manner provided for by subsection (20) of section 41 and section 250 of Title 28. (Mar. 4, 1917, ch. 180, 39 Stat. 1192.)

REFERENCES IN TEXT

Subsection "(c)" referred to at the beginning of this section in paragraph (a), was probably intended to be "(d)" as there was no subsection "(c)" in the original version of this section.

Par. (20) of section 41 of Title 28, and section 250 of such title, referred to in par. (d), were repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. Section 41(20) is now covered by sections 1346, 2401, and 2402 of Title 28, Judiciary and Judicial Procedure, and section 250 is now covered by sections 1491, 1496, 1501, 1503 and 2501 of that title.

SIMILAR PROVISIONS

Similar provisions were contained in the Naval Appropriation Act, 1918, act July 1, 1918, ch. 114, 40 Stat. 719, which terminated six months after the treaty of peace between the United States and Germany (Oct. 18, 1921).

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of the provisions of this section, which authorized the President to acquire, through construction or conversion, ships, landing craft and other vessels, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

§§ 83 to 85. Repealed. Aug 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 83, act May 29, 1928, ch. 853, § 1, 45 Stat. 928, related to ammunition for the use of the Army and the Navy, storage and dispersal, control by a joint board of officers, and is now covered by section 172 of Title 10, Armed Forces.

Section 84, act Mar. 3, 1875, ch. 133, § 1, 18 Stat. 455, related to expenditure at armories for perfection of patentable inventions.

[1] So in original. Probably should read "(c)".

Section 85, act Mar. 3, 1921, ch. 128, § 6, 41 Stat. 1352, authorized the Secretary of War to proceed with the installation of guns and howitzers.

§§ 86 to 88. Omitted.

CODIFICATION

Sections, act Feb. 15, 1936, ch. 74, §§ 1—3, 49 Stat. 1140, related to conservation of domestic sources of tin, and were superseded by sections 2021—2032 of Appendix to this title.

EDUCATION AND EXPERIMENTATION IN DEVELOPMENT OF MUNITIONS AND MATERIALS FOR NATIONAL DEFENSE

§§ 91 to 94. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Sections 91 to 93, act June 16, 1938, ch. 458, §§ 1—3, 52 Stat. 707, 708, authorized the Secretary of War to place educational orders for munitions of special or technical design, provided for bids, production equipment with first order, and limited the number of orders to any person, firm, or corporation within any period of three successive years in peacetime.

Section 94, acts June 16, 1938, ch. 458, § 4, 52 Stat. 708; Apr. 3, 1939, ch. 35, § 13, 53 Stat. 560, related to availability of appropriations for the purposes of former sections 91—94 of this title.

§ 95. Research, experimentation, and development of rotary-wing and other aircraft; appropriation; reports and recommendations; construction.

CODIFICATION

Section, act June 30, 1938, ch. 852, 52 Stat. 1255, which authorized an appropriation of $2,000,000 to remain until expended for the purpose of rotary-wing and other aircraft research, development, procurement, experimentation, and operation for service testing, was omitted as executed.

§ 96. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act July 15, 1939, ch. 283, 53 Stat. 1042, related to purchase by the Secretary of War of equipment for experimental and test purposes, and is now covered by sections 4504 and 9504 of Title 10, Armed Forces.

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

§ 98. Declaration of policy.

The natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of sections 98 to 98h of this title to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency. (June 7, 1939, ch. 190, § 1, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596.)

AMENDMENTS

1946—Act July 23, 1946, inserted "and retention" following "acquisition" and "conservation and" preceding "development".

SHORT TITLE

Congress provided by section 10 of act June 7, 1939, as amended by act July 23, 1946, that sections 98—98h of this title should be popularly known as the "Strategic and Critical Materials Stock Piling Act".

DELEGATION OF FUNCTIONS

Functions of the President under section 98 et seq. of this title delegated to the Director of the Office of Emergency Planning, see section 402 of Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, set out as a note under section 2271 of the Appendix to this title.

DISPOSAL OF GOVERNMENT-OWNED TIN SMELTER AT TEXAS CITY, TEXAS

Joint Resolution June 22, 1956, ch. 426, 70 Stat. 329, provided:

"[Sec. 1. Disposal by Federal Facilities Corporation]. That the Federal Facilities Corporation (hereinafter referred to as the 'Corporation') is hereby authorized and directed, notwithstanding any other provisions of law, to take steps immediately to sell or lease, as soon as practicable and in accordance with the provisions of this Act, the Government-owned tin smelter at Texas City, Texas (hereinafter referred to as the 'smelter'), and the waste acid plant and other assets of the Government's tin program (such plant and assets being hereinafter referred to collectively as 'other assets'). The sale or lease of the smelter and other assets shall be in such manner and on such terms and conditions as the Corporation determines will best promote the interests of the United States.

"Sec. 2. [Corporate powers]. In carrying out the provisions of this Act, the Corporation shall—

"(1) advertise for, and receive, proposals for the purchase or lease of the smelter alone or with some or all of the other assets;

"(2) process materials and repair, recondition, improve, and otherwise prepare the smelter and other assets for advantageous sale or lease;

"(3) negotiate and enter into a contract of sale or lease which in the opinion of the Corporation is most advantageous to the United States;

"(4) execute and deliver deeds and other instruments appropriate for the purpose of effecting the sale or lease of the smelter and other assets; and

"(5) take such other actions and exercise such other powers as the Corporation determines to be necessary or appropriate to effectuate the purposes of this Act.

"Sec. 3. [Tin Advisory Committee]. There is hereby created the Tin Advisory Committee (hereinafter referred to as the 'Committee'), which shall consist of the following members: The Secretary of State, the Secretary of the Interior, the Secretary of the Treasury, the Director of the Office of Defense Mobilization, and the Administrator of General Services. Each may designate a representative to act in his stead as a member of the Committee. In carrying out the provisions of this Act, the Corporation shall consult with the Committee. The Attorney General shall, upon request, give advice and assistance to the Corporation and the Committee.

"Sec. 4. [Receipt of purchase proposals].

"(a) The period for the receipt of proposals for the purchase or lease of the smelter and other assets shall be not less than ninety days and shall be fixed by the Corporation, giving due regard to the purposes of this Act.

"(b) Promptly after the termination of the period for the receipt of proposals as fixed under subsection (a), and for such period thereafter (not less than thirty days) as may be determined by the Corporation, the Corporation shall negotiate with those submitting proposals for the purpose of entering into a definitive commitment for sale or lease.

"Sec. 5. [Extension of termination date; transfer of tin to and reimbursement by General Services Administration].

"(a) Section 2 of the joint resolution entitled 'Joint resolution to strengthen the common defense and to meet industrial needs for tin by providing for the maintenance of a domestic tin-smelting industry', approved June 28, 1947, as amended [this section], is amended by striking out 'June 30, 1956' and inserting in lieu thereof 'January 31, 1957'.

"(b) All tin acquired by the Corporation by reason of the extension under subsection (a) shall be transferred to the General Services Administration, which is authorized and directed to reimburse the Corporation therefor at its cost.

"Sec. 6. [Contract of sale or lease]. If a contract of sale or lease is effected pursuant to the provisions of this Act, then such joint resolution of June 28, 1947, shall terminate (notwithstanding any provision thereof) at the close of business on the date of the transfer of possession of the smelter, but the Corporation may take all action necessary or appropriate for the purpose of completing the disposal of supplies, byproducts, concentrates, and other remaining property. If no contract of sale or lease is effected pursuant to the provisions of this Act prior to January 31, 1957, of the smelter and other assets or any part thereof, then the smelter or other assets or such part thereof as is not sold or leased shall promptly be reported as excess property for transfer and disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949.

"Sec. 7. [Restriction]. Nothing in this Act shall be construed as preventing the Corporation from performing or otherwise administering contracts or other legally binding obligations."

MAINTENANCE OF DOMESTIC TIN-SMELTING INDUSTRY; TRANSFER OF FUNCTIONS, ETC.

Joint resolution June 28, 1947, ch. 159, 61 Stat. 190, as amended June 29, 1948, ch. 722, 62 Stat. 1101; June 30, 1949, ch. 284, 63 Stat. 350; Aug. 21, 1950, ch. 766, 64 Stat. 468; July 30, 1953, ch. 282, title I, § 103, 67 Stat. 230; June 22, 1956, ch. 426, § 5 (a), 70 Stat. 329, provided:

"Section 1. *Findings of fact and declaration of policy.* (a) Tin is a highly strategic and critical material of which insufficient ore reserves exist in the United States and of which an adequate supply is vital to the Nation's industrial, military, and naval requirements for the common defense.

"(b) Tin is now and for the immediate future will remain in supply short of the requirements of this country's industrial, military, and naval needs.

"(c) It is necessary in the public interest and to promote the common defense that Congress make a thorough study and investigation regarding the advisability of the maintenance on a permanent basis of a domestic tin-smelting industry and to study the availability of supplies of tin adequate to meet the industrial, military, and naval requirement of the Nation in time of national emergency.

"Section 2. *Powers and duties of Reconstruction Finance Corporation; termination date.* The powers, functions, duties, and authority of the United States heretofore exercised by the Reconstruction Finance Corporation (1) to buy, sell, and transport tin, and tin ore and concentrates; (2) to improve, develop, maintain, and operate by lease or otherwise the Government-owned tin smelter at Texas City, Texas; (3) to finance research in tin smelting and processing; and (4) to do all other things necessary to the accomplishment of the foregoing shall continue in effect until January 31, 1957, or until such earlier time as the Congress shall otherwise provide, and shall be exercised and performed by such officer, agency, or instrumentality of the United States as the President may designate.

"Section 3. *Diversification of tin-recovery facilities in United States.* In order to promote the conservation of the tin ore reserves of the Western Hemisphere and to increase their availability for the tin requirements of the United States through diversification of tin-recovery facilities in the United States, the powers exercised by the Reconstruction Finance Corporation or its successor and continued in effect by the provisions of section 2 hereof shall include authority to offer for sale from time to time and to sell to the highest bidder for the recovery in the United States of grade A pig tin, any tin concentrates or other tin-bearing materials heretofore or hereafter acquired by the Reconstruction Finance Corporation and containing not more than 25 per centum of tin; and to contract to buy up to an equivalent amount of such pig tin for future delivery, not to exceed four months from date of delivery of such concentrates or tin-bearing material to the processor, at the Reconstruction Finance Corporation's selling price for such grade on the date of such contract: *Provided,* That the minimum price at which any such concentrates or tin-bearing materials are so sold shall represent no less return to the Government, as determined or estimated by the Reconstruction Finance Corporation (which determination or estimate shall be deemed conclusive), than would result through the Government itself transporting and treating such concentrates or tin-bearing materials in any Government-owned or controlled facility and transporting and selling the pig tin recovered therefrom.

"Section 4. *Reports to Congress.* The Reconstruction Finance Corporation or the officer, agency, or instrumentality of the United States subsequently designated by the President shall render a full report to Congress on all its activities under this joint resolution not later than December 31, 1947, and at the end of each six months thereafter."

FEDERAL FACILITIES CORPORATION

Ex. Ord. No. 10539, June 22, 1954, 19 F. R. 3827, set out as a note under section 603 of Title 15, Commerce and Trade, designated the Federal Facilities Corporation to perform and exercise the functions formerly performed and exercised by the Reconstruction Finance Corporation under the Joint Resolution of June 28, 1947, 61 Stat. 190, set out as a note under this section.

DISPOSAL OF GOVERNMENT-OWNED TIN SMELTER AT TEXAS CITY, TEXAS; CANCELLATION OF OBLIGATIONS

Cancellation of obligation of General Services Administration to Federal Facilities Corporation existing by virtue of section 5(b) of Joint Res. June 22, 1956, set out as a note under this section, see note entitled "Dissolution of Federal Facilities Corporation" set out under section 1929 of Appendix to this title.

CROSS REFERENCES

Domestic Rubber-Producing Industry, see sections 1921—1938 of Appendix to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98a, 98b, 98c, 98d, 98e, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98a. Strategic and critical materials; determination; quantity and quality to be purchased; formation and functions of industry advisory committees; subsistence and traveling expenses of members.

(a) To effectuate the policy set forth in section 98 of this title the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Munitions Board, are authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of section 98 to 98h of this title and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of said sections. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired the Secretaries of State, Treasury, Agriculture, and Commerce shall each designate representatives to cooperate with the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of said sections.

(b) To the fullest extent practicable the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under said sections with respect to

the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged. (June 7, 1939, ch. 90, § 2, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596.)

CODIFICATION

The Secretary of the Air Force was inserted under the authority of section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207 (a), (f) of act July 26, 1947, were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3011—3013 and 8011—8013 continued the military Departments of the Army and Air Force under the administrative supervision of a Secretary of the Army and a Secretary of the Air Force, respectively.

AMENDMENTS

1946—Act July 23, 1946, redesignated former section as subsec. (a) and added subsec. (b) to provide for the creation of industry advisory committees.

TRANSFER OF FUNCTIONS

The term "Army and Navy Munitions Board" was changed to "Munitions Board" on authority of act July 26, 1947, ch. 343, title II, § 213, 61 Stat. 505. Section 213 established the Munitions Board in the Department of Defense, terminated the Army and Navy Munitions Board effective as of date of assumption of office by first Chairman of Munitions Board, and transferred the records and personnel of the latter to the former.

All functions under section 98 et seq. of this title vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions vested in the Army and Navy Munitions Board by section 98e (2) of this title, but excluding the functions vested in the Secretary of the Interior by section 98f of this title, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2 (b), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

ABOLITION OF FUNCTIONS

Any functions which were vested in the Army and Navy Munitions Board or the Munitions Board with respect to serving as agent through which the Secretaries of the Army, Navy, Air Force, and Interior jointly acted under this section were abolished by 1953 Reorg. Plan No. 3, § 5 (c), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

USE OF FOREIGN CURRENCIES

Use of foreign currencies, accruing with respect to disposition of surplus agricultural commodities to foreign countries, for the purchase of strategic and critical materials, see section 1704 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98b, 98c, 98d, 98e, 98f, 98g, 98h of this title; title 7 sections 1743, 1745; title 15 section 714b.

§ 98b. Purchase, storage, refinement, rotation, and disposal of materials.

The Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy shall direct the Administrator of General Services to—

(a) make purchases of strategic and critical materials with due regard to the objectives set forth in section 98 of this title and pursuant to the determinations as provided in section 98a of this title, which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with sections 10a to 10c of Title 41, but may be made without regard to section 5 of Title 41. A reasonable time (not to exceed one year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

(b) provide for the storage, security, and maintenance of strategic and critical materials for stockpiling purposes on military and naval reservations or other locations, approved by the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy;

(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under sections 98 to 98h of this title when the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy;

(e) dispose of any materials held pursuant to sections 98 to 98h of this title which are no longer needed because of any revised determination made pursuant to section 98a of this title, as hereinafter provided. No such disposition shall be made until six months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Armed Services Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

(June 7, 1939, ch. 190, § 3, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 597; Aug. 2, 1946, ch. 753, title I, §§ 102, 121, 60 Stat. 815, 822; June 30, 1949, ch. 288, title I, § 102 (a), 63 Stat. 380.)

CODIFICATION

In the opening paragraph the "Administrator of General Services" has been substituted for the "Secretary of the Treasury, through the medium of the Procurement Division of his Department" on the authority of act June 30, 1949, which abolished the Bureau of Federal Supply and transferred its functions to the Administrator. The Bureau of Federal Supply had previously absorbed the Procurement Division and its functions. For abolishment of Bureau and the transfer of its functions, see section 752 of Title 40, Public Buildings, Property, and Works.

The Secretary of the Air Force was inserted under the authority of section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207 (a), (f) of act July 26, 1947, were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 3011—3013 and 8011—8013 continued the military Departments of the Army and Air Force under the administrative supervision of a Secretary of the Army and a Secretary of the Air Force, respectively.

AMENDMENTS

1946—Act July 23, 1946, provided competitive bidding in the purchase of materials, refinement and processing of materials, and for the disposition of materials which are no longer needed because of a revised determination.

CHANGE OF NAME

The Military Affairs Committees of both Houses were designated the Armed Services Committees by act Aug. 2, 1946.

TRANSFER OF FUNCTIONS

All functions under section 98 et seq. of this title vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions vested in the Army and Navy Munitions Board by section 98e (2) of this title, but excluding the functions vested in the Secretary of the Interior by section 98f of this title, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2 (b), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

SALE OF MATERIALS EXCESS TO STOCKPILE NEEDS

Pub. L. 86-255, title I, § 101, Sept. 14, 1959, 73 Stat. 506, provided in part that to the extent materials sold under subsection (d) of this section to prevent deterioration are excess to stockpile needs the replacement provisions of said subsection (d) shall not be mandatory.

USE OF FOREIGN CURRENCIES

Use of foreign currencies, accruing with respect to disposition of surplus agricultural commodities to foreign countries, for the purchase of strategic and critical materials, see section 1704 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98c, 98d, 98e, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98c. Reports to Congress.

The Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy shall submit to the Congress, not later than six months after July 23, 1946, and every six months thereafter a written report detailing the activities with respect to stock piling under sections 98 to 98h of this title, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of said sections as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (June 7, 1939, ch. 190, § 4, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 598.)

CODIFICATION

The Secretary of the Air Force was inserted under the authority of section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207 (a), (f) of act July 26, 1947 were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3011—3013 and 8011—8013 continued the military Departments of the Army and Air Force under the administrative supervision of a Secretary of the Army and a Secretary of the Air Force, respectively.

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for semi-annual reports to Congress. Former provisions of section related to use of materials acquired and are now covered by section 98d of this title.

TRANSFER OF FUNCTIONS

All functions under section 98 et seq. of this title vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions vested in the Army and Navy Munitions Board by section 98e (2) of this title, but excluding the functions vested in the Secretary of the Interior by section 98f of this title, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2 (b), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

USE OF FOREIGN CURRENCIES

Use of foreign currencies, accruing with respect to disposition of surplus agricultural commodities to foreign countries, for the purchase of strategic and critical materials, see section 1704 of Title 7, Agriculture.

OPTICAL GLASS

The former Procurement Division of the Treasury Department [now the Administrator of General Services] was authorized to make use of optical glass acquired pursuant to sections 98—98h of this title for the manufacture of binoculars, by sale or other disposition for war production purposes to such buyers or users in such amounts as may be requested by Chairman of War Production Board, by Ex. Ord. No. 9242, Sept. 11, 1942, 7 F. R. 7213.

QUININE SULFATE

The former Procurement Division of the Treasury Department [now the Administrator of General Services] was authorized to make available from stock acquired pursuant to sections 98—98h of this title, certain quantities of quinine sulfate for use of the Army and Navy by Ex. Ord. No. 9317, Mar. 20, 1943, 8 F. R. 3561.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98d, 98e, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98d. Release of stock pile materials.

The stock piles shall consist of all such materials prior to July 23, 1946 purchased or transferred to be held pursuant to sections 98 to 98h of this title, or after July 23, 1946, transferred pursuant to section 98e of this title, or after July 23, 1946, purchased pursuant to section 98b of this title, and not disposed of pursuant to sections 98 to 98h of this title. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 98b of this title, materials acquired under sections 98 to 98h of this title shall be released for

use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President. (June 7, 1939, ch. 190, § 5, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 598.)

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for the release of stock pile materials. Former provisions of section related to contracts for purchases and are now covered by section 98b (a) of this title.

EXECUTIVE ORDER No. 10638

Ex. Ord. No. 10638, Oct. 11, 1955, 20 F.R. 7637, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 8, 1958, 23 F.R. 6971, which related to authorization to the Director of the Office of Civil and Defense Mobilization to order release of stockpile materials, was superseded by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, set out as a note under section 2271 of the Appendix to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98d, 98e, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98e. Transfer of surplus materials to stock piles; exceptions; payments; reduction of amount of obligations of Reconstruction Finance Corporation.

(a) Pursuant to regulations issued by the General Services Administration, every material determined to be strategic and critical pursuant to section 98a of this title, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to sections 411, 412 and 413 to 419 of Title 22, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to sections 98 to 98h of this title, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 98a of this title. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Secretary of Commerce. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock pile requirements determined in accordance with section 98a of this title. The total material transferred to the stock piles established by sections 98 to 98h of this title in accordance with this section during any fiscal year beginning more than twelve months after July 23, 1946 shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation Act or Acts relating to the acquisition of materials under sections 98 to 98h of this title.

(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under sections 98 to 98h of this title, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in sections 601, 605, 606, 607, 608, 609, and 611 of Title 15, and section 82 of Title 12, the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled. (June 7, 1939, ch. 190, § 6, 53 Stat. 812; May 28, 1941, ch. 135, 55 Stat. 206; July 23, 1946, ch. 590, 60 Stat. 598; Ex. Ord. No. 9809, Dec. 12, 1946, 11 F.R. 14281; Ex. Ord. No. 9841, Apr. 23, 1947, 12 F.R. 2645; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

REFERENCES IN TEXT

Sections 411, 412, and 413 to 419 of Title 22, referred to in subsec. (a), were omitted from the Code.

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for transfers to stock piles of surplus materials without reimbursement, and for the reduction of amount of obligations of Reconstruction Finance Corporation. Former provisions of section related to appropriations and are now covered by section 98g of this title.

1941—Act May 28, 1941, added provisions making funds from sales or other dispositions of property under sections 98—98e of this title available for expenditure for purposes of those sections.

TRANSFER OF FUNCTIONS

The functions, records, property, etc. of the War Assets Administration were transferred to the General Services Administration and the War Assets Administration was abolished by act June 30, 1949.

The term "Army and Navy Munitions Board" was changed to "Munitions Board" on authority of act July 26, 1947, ch. 343, title II, § 213, 61 Stat. 505. Section 213 established the Munitions Board in the Department of Defense, terminated the Army and Navy Munitions Board effective as of date of assumption of office by first Chairman of Munitions Board, and transferred the records and personnel of the latter to the former.

All functions under section 98 et seq. of this title vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions vested in the Army and Navy Munitions Board by section 98e (2) of this title, but excluding the functions vested in the Secretary of the Interior by section 98f of this title, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2 (b), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

"Secretary of Commerce" was substituted for "Civilian Production Administration or its successor" in view of consolidation of Civilian Production Administration with

other agencies to form Office of Temporary Controls, and transfer of functions of Office of Temporary Controls to the Secretary of Commerce by Ex. Ord. Nos. 9809 and 9841.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6 (a) of 1957 Reorg. Plan. No. 1, effective June 30, 1957, 22 F.R. 4633, 71 Stat. 647.

CROSS REFERENCES

Appropriations for investigations, etc., see section 98f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98c, 98d, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98f. Investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc.

(a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

(b) The Secretary of Agriculture is authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 98a of this title to be strategic and critical or substitutes therefor. (June 7, 1939, ch. 190, § 7, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 599.)

AMENDMENTS

1946—Subsec. (a) reenacted by act July 23, 1946.

Subsec. (b) amended generally by act July 23, 1946, to provide for agricultural investigations. Former provisions of subsec. (b) related to appropriations for carrying out the work of subsec. (a) and are now covered by section 98g of this title.

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F. R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

All functions under section 98 et seq. of this title vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions vested in the Army and Navy Munitions Board by section 98e (2) of this title, but excluding the functions vested in the Secretary of the Interior by this section, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2 (b), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under section 404 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98c, 98d, 98e, 98g, 98h of this title; title 7 sections 1743, 1745.

§ 98g. Appropriations.

For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under sections 98 to 98h of this title, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of said sections. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy. (June 7, 1939, ch. 190, § 8, as added July 23, 1946, ch. 590, 60 Stat. 600.)

CODIFICATION

The Secretary of the Air Force was inserted under the authority of section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207 (a), (f) of act July 26, 1947, were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 3011—3013 and 8011—8013 continued the military Departments of the Army and Air Force under the administrative supervision of a Secretary of the Army and a Secretary of the Air Force, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98c, 98d, 98e, 98h of this title; title 7 sections 1743, 1745.

§ 98h. Disposition of receipts.

Any funds prior to or after July 23, 1946, received on account of sales or other dispositions of materials under the provisions of sections 98 to 98h of this title, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts. (June 7, 1939, ch. 190, § 9, as added July 23, 1946, ch. 590, 60 Stat. 600.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 98, 98a, 98b, 98c, 98d, 98e, 98g of this title; title 7 sections 1743, 1745.

§ 98i. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570.

Section, act Aug. 3, 1956, ch. 939, title IV, § 416, 70 Stat. 1018, related to contracts for storage, handling, and distribution of liquid fuels and is now covered by section 2388 of Title 10, Armed Forces.

§ 99. Prohibition or curtailment of exportation of military equipment or supplies; penalties.

CODIFICATION

Section, act July 2, 1940, 10:55 a. m., E. S. T., ch. 508, § 6, 54 Stat. 714, was transferred to former section 701 of Appendix to this title and repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

§ 100. Nitrate plants.

(a) Investigations; designation of sites; construction and operation of dams, locks, improvements to navigation, etc.

The President of the United States may make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also authorized to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for national defense; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

(b) Lease, purchase, or acquisition of lands and rights of way; purchase or acquisition of materials, minerals, and processes.

The President is authorized to lease, buy, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to buy or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

(c) Use of products of plants; disposal of surplus.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

(d) Employment of officers, agents, or agencies.

The President is authorized to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

(e) Government construction and operation.

The plant or plants provided for under this section shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital. (Aug. 10, 1956, ch. 1041, § 37, 70A Stat. 634.)

§ 100a. Scrap-processing facilities; acquisition, construction, or operation.

No funds available to agencies of the Department of Defense shall be used for the operation, acquisition or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest. (Pub. L. 91-668, title VIII, § 812, Jan. 11, 1971, 84 Stat. 2032.)

SIMILAR PROVISIONS

Section is from the Department of Defense Appropriation Act, 1971, Pub. L. 91-668. Similar provisions were contained in the following prior appropriation acts:

1969—Pub. L. 91-171, title VI, § 612, Dec. 29, 1969, 83 Stat. 481.

1968—Pub. L. 90-580, title V, § 511, Oct. 17, 1968, 82 Stat. 1131.

1967—Pub. L. 90-96, title VI, § 611, Sept. 29, 1967, 81 Stat. 244.

1966—Pub. L. 89-687, title VI, § 611, Oct. 15, 1966, 80 Stat. 992.

1965—Pub. L. 89-213, title VI, § 611, Sept. 29, 1965, 79 Stat. 875.

1964—Pub. L. 88-446, title V, § 511, Aug. 19, 1964, 78 Stat. 476.

1963—Pub. L. 88-149, title V, § 511, Oct. 17, 1963, 77 Stat. 265.

1962—Pub. L. 87-577, title V, § 511, Aug. 9, 1962, 76 Stat. 329.

1961—Pub. L. 87-144, title VI, § 611, Aug. 17, 1961, 75 Stat. 377.

1960—Pub. L. 86-601, title V, § 511, July 7, 1960, 74 Stat. 351.

1959—Pub. L. 86-166, title V, § 611, Aug. 18, 1959, 73 Stat. 380.

1958—Pub. L. 85-724, title VI, § 611, Aug. 22, 1958, 72 Stat. 725.

1957—Pub. L. 85-117, title VI, § 612, Aug. 2, 1957, 71 Stat. 325.

1956—July 2, 1956, ch. 488, title VI, § 612, 70 Stat. 469.

1955—July 13, 1955, ch. 358, title VII, § 715, 69 Stat. 352.

1954—June 30, 1954, ch. 432, title VII, § 715, 68 Stat. 352.

Chapter 6.—WILLFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL

§§ 101 to 106. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 101, acts Apr. 20, 1918, ch. 59, § 1, 40 Stat. 533; Nov. 30, 1940, ch. 926, 54 Stat. 1220; Dec. 24, 1942, ch. 824, 56 Stat. 1087; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, related to definition of war terms, and is now covered by section 2151 of Title 18, Crimes and Criminal Procedure.

Section 102, act Apr. 20, 1918, ch. 59, § 2, 40 Stat. 534, related to destruction or injury of war material in time of war, and is now covered by section 2153 of Title 18, Crimes and Criminal Procedure.

Section 103, act Apr. 20, 1918, ch. 59, § 3, 40 Stat. 534, related to making or causing to be made defective war material, and is now covered by section 2154 of Title 18, Crimes and Criminal Procedure.

Section 104, act Apr. 20, 1918, ch. 59, § 4, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, and amended Aug. 21, 1941, ch. 388, 55 Stat. 655, related to definition of national-defense terms, and is now covered by section 2151 of Title 18, Crimes and Criminal Procedure.

Section 105, act Apr. 20, 1918, ch. 59, § 5, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to destruction or injury of national-defense materials, and is now covered by section 2155 of Title 18, Crimes and Criminal Procedure.

Section 106, act Apr. 20, 1918, ch. 59, § 6, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to the making or causing to be made defective national-defense material, and is now covered by section 2156 of Title 18, Crimes and Criminal Procedure.

Chapter 7.—INTERFERENCE WITH HOMING PIGEONS OWNED BY UNITED STATES

§§ 111 to 113. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 111, act Apr. 19, 1918, ch. 58, § 1, 40 Stat. 533, related to prohibited acts affecting homing pigeons owned by United States, and is now covered by section 45 of Title 18, Crimes and Criminal Procedure.

Section 112, act Apr. 19, 1918, ch. 58, § 2, 40 Stat. 533, related to possession of pigeons as evidence of violation of law, and is now covered by section 45 of Title 18, Crimes and Criminal Procedure.

Section 113, act Apr. 19, 1918, ch. 58, § 3, 40 Stat. 533, related to punishment, and is now covered by section 45 of Title 18, Crimes and Criminal Procedure.

Chapter 8.—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED

§§ 121 to 144. Repealed. Pub. L. 91-452, title XI, § 1106(a), Oct. 15, 1970, 84 Stat. 960.

Section 121, acts Oct. 16, 1917, ch. 83, § 1, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, defined the terms "explosive", "explosives", "ingredients", "person", and "Director".

Section 122, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, related to the unauthorized manufacture, distribution, possession, acquisition, etc., of explosives or ingredients.

Section 123, acts Oct. 6, 1917, ch. 83, § 3, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864; Nov. 24, 1942, ch. 641, 56 Stat. 1022; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1405, 72 Stat. 808; Oct. 15, 1966, Pub. L. 89-670, § 8(f), 80 Stat. 943, excepted from the provisions of this chapter the purchase or possession of ingredients when purchased or held in small quantities and not used or intended to be used in the manufacture of explosives, explosives or ingredients in transit in conformity with the applicable law, explosives manufactured under the authority of the United States for the armed forces or the F.B.I., and arsenals, etc., owned by, or operated by or on behalf of, the United States.

Section 124, acts Oct. 6, 1917, ch. 83, § 4, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, authorized a superintendent, foreman, or other duly authorized employee at a mine, quarry, or other work, when licensed, to sell or issue to any employee under him such amount of explosives or ingredients required by that employee in the performance of his duties.

Section 125, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, related to the applicability of the prohibitory provisions of this chapter.

Section 126, acts Oct. 6, 1917, ch. 83, § 5, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, required licensees to keep records of the disposition of explosives or ingredients.

Section 127, acts Oct. 6, 1917, ch. 83, § 6, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865, authorized the issuance of licenses.

Section 128, acts Oct. 6, 1917, ch. 83, § 7, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865, set forth the procedure for the issuance of licenses and the fees for such licenses.

Section 129, acts Oct. 6, 1917, ch. 83, § 8, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865; Ex. Ord. No. 9287, Dec. 24, 1942, 7 F.R. 10897, provided for the term of the license, the qualifications of applicants for licenses, and the revocation of the license.

Section 130, acts Oct. 6, 1917, ch. 83, § 9, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866, set forth the contents of applications for licenses.

Section 131, acts Oct. 6, 1917, ch. 83, § 10, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866, required the licensee or applicant to furnish information upon request of the Director or his authorized representative.

Section 132, acts Oct. 16, 1917, ch. 83, § 11, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to false representations as to the required license.

Section 133, acts Oct. 6, 1917, ch. 83, § 12, 40 Stat. 387; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to markings on manufacturing or storage premises for explosives.

Section 134, act July 1, 1918, ch. 113, § 1, 40 Stat. 671, related to the cancellation of licenses for violations of law.

Section 135, acts Oct. 16, 1917, ch. 83, § 13, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, related to the exclusion of the public from manufacturing or storage premises for explosives and the discharge of firearms, etc., on such premises.

Section 136, acts Oct. 16, 1917, ch. 83, § 14, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, authorized investigations by the Director of explosions and fires involving explosives or ingredients of explosives.

Section 137, acts Oct. 6, 1917, ch. 83, § 15, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867, authorized the Director to exercise the authority conferred upon him by this chapter under the supervision of the Secretary of the Interior and the cooperation of other agencies with the Director in the administration and enforcement of this chapter.

Section 138, acts Oct. 16, 1917, ch. 83, § 16, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868; Oct. 28, 1949, ch. 782, title XI, § 1106, 63 Stat. 972, authorized the employment of personnel for the administration of this chapter.

Section 139, acts Oct. 16, 1917, ch. 83, § 17, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, prohibited any officer, employee, or licensing agent from divulging any information obtained in the course of his duties under this chapter.

Section 140, acts Oct. 16, 1917, ch. 83, § 18, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, authorized the Director to issue rules and regulations.

Section 141, acts Oct. 16, 1917, ch. 83, § 19, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, set forth the penalties for violations of this chapter.

Section 142, acts Oct. 16, 1917, ch. 83, § 20, 40 Stat. 388; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868, provided that this chapter and the regulations issued pursuant to it were to become operative only during war or national emergency.

Section 143, act Oct. 6, 1917, ch. 83, § 21, 40 Stat. 389, related to agencies available for the enforcement of the provisions of this chapter.

Section 144, act July 1, 1918, ch. 113, § 1, 40 Stat. 671, subjected platinum, iridium, and palladium and compounds thereof to the provisions of this chapter.

Chapter 9.—AIRCRAFT

§§ 151 to 151f. Omitted.

CODIFICATION

Section 151, acts Mar. 3, 1915, ch. 83, 38 Stat. 930; Mar. 2, 1929, ch. 482, 45 Stat. 1451; June 23, 1938, ch. 601, § 1107(e), 52 Stat. 1027; 1940 Reorg. Plan No. IV, § 7, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1235; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; May 25, 1948, ch. 335, § 1, 62 Stat. 266; Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591; Aug. 8, 1950, ch. 645, § 4, 64 Stat. 419; June 3, 1954, ch. 254, 68 Stat. 170, which established a National Advisory Committee for Aeronautics, provided for its composition, prescribed the compensation of members and duties of the Committee, and required reports to the Congress, was omitted pursuant to section 301(a) of Pub. L. 85-568, title III, July 29, 1958, 72 Stat. 432, set out as a note under section 2472 of Title 42, The Public Health and Welfare, which terminated the Committee and transferred all its functions, powers, duties, and obligations to the National Aeronautics and Space Administration. See chapter 26 of Title 42.

Section 151a, act Mar. 2, 1929, ch. 482, 45 Stat. 1451, was incorporated in former section 151 of this title. See Codification note under former section 151 of this title.

Sections 151b—151f, act Aug. 8, 1950, ch. 645, §§ 1—3, 6, 7, 64 Stat. 418, 419, which prescribed the functions of the National Advisory Committee for Aeronautics, authorized the transfer of supplies and materials to the Committee, and related to employment of aliens, availability of appropriations, and prosecution of projects, were omitted pursuant to section 301(a) of Pub. L. 85-568, title III, July 29, 1958, 72 Stat. 432, set out as a note under section 2472 of Title 42, The Public Health and Welfare, which terminated the Committee and transferred all its functions, powers, duties and obligations to the National Aeronautics and Space Administration. See chapter 26 of Title 42.

§§ 152, 153. Repealed. May 25, 1948, ch. 335, § 3 (a), (b), 62 Stat. 267.

Section 152, act July 1, 1918, ch. 113, § 1, 40 Stat. 650, as amended July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501, related to office space for Advisory Committee.

Section 153, act Mar. 3, 1915, ch. 83, 38 Stat. 930, related to annual reports.

§ 154. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111.

Section, act Apr. 22, 1926, ch. 171, § 1, 44 Stat. 314, related to purchases and services.

§ 155. Repealed. May 25, 1948, ch. 335, § 3 (c), 62 Stat. 267.

Section, act Apr. 22, 1926, ch. 171, § 1, 44 Stat. 314, related to the Langley Memorial Aeronautical Laboratory.

§§ 156, 157. Omitted.

CODIFICATION

Section 156, acts Apr. 18, 1940, ch. 107, § 1, 54 Stat. 134; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, which authorized the National Advisory Committee for Aeronautics to pay the compensation of a retired officer of the Army or Navy performing service for the Committee, was omitted pursuant to section 301(a) of Pub. L. 85-568, title III, July 29, 1958, 72 Stat. 432, set out as a note under section 2472 of Title 42, The Public Health and Welfare, which terminated the Committee and transferred all its functions, powers, duties and obligations to the National Aeronautics and Space Administration. See chapter 26 of title 42.

Section 157, which was from appropriation acts July 30, 1947, ch. 359, title I, § 101, 61 Stat. 600; Apr. 20, 1948, ch. 219, title I, § 101, 62 Stat. 188; Aug. 24, 1949, ch. 506, title I, § 101, 63 Stat. 646; Sept. 6, 1950, ch. 896, ch. VIII, title I, § 101, 64 Stat. 711, was not repeated in the Independent Offices Appropriation Act, 1952, act Aug. 31, 1951, ch. 376, 65 Stat. 268.

§§ 158 to 159. Transferred.

Sections have been transferred to sections 1161—1163, respectively, of former Title 5, Executive Departments and Government Officers and Employees, and are now covered by sections 3104, 3325 and 5361 of Title 5, Government Organization and Employees.

§ 160. Employment of aliens.

CODIFICATION

Section, which was from acts Aug. 24, 1949, ch. 506, title I, § 101, 63 Stat. 646; Sept. 6, 1950, ch. 896, ch. VIII, title I, § 101, 64 Stat. 711, and prior appropriation acts, was not repeated in the Independent Offices Appropriation Act, 1952, act Aug. 31, 1951, ch. 376, 65 Stat. 268.

§§ 160a to 160f. Repealed. Pub. L. 85-707, § 21(b)(5), July 7, 1958, 72 Stat. 337.

Sections, Act Apr. 11, 1950, ch. 86, §§ 1—6, 64 Stat. 43, related to graduate study or research by professional employees of the National Advisory Committee for Aeronautics, and are now covered by section 4101 et seq. of Title 5, Government Organization and Employees.

Section 160f was amended by Act May 6, 1954, ch. 183, 68 Stat. 78, and Pub. L. 85-349, Mar. 17, 1958, 72 Stat. 48.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 21(a) of Pub. L. 85-507.

Chapter 10.—HELIUM GAS

Sec.
161 to 164. Omitted.
165. Repealed.
166. Cooperation of Departments to effectuate purposes of chapter.
167. Definitions.
167a. Authority of Secretary.
(a) Conserving, producing, buying and selling helium.
(b) Helium on public domain.
(c) Contract price.
167b. Production of helium; maintenance and operation of facilities; research.
167c. Licensing.
(a) Rules and regulations.
(b) Terms; assignments; revocations.
(c) Purpose.
(d) Suspensions; reacquisition of supplies.
167d. Sale of helium.
(a) Purchase by Government Agencies.
(b) Sales by the Secretary.
(c) Prices and determinations.
(d) Interest in price determinations.
(e) Prices of sales for medical purposes; sales to non-Federal purchasers.
(f) Helium production fund.
167e. Intragovernmental cooperation.
167f. Condemnation proceedings.
167g. Promulgation of rules and regulations.
167h. Administrative procedure.
167i. Exclusion from the Natural Gas Act.
167j. Loans and obligations.
167k. Violations; penalties
167l. Injunctions.
167m. Individual enterprise in developing helium.
167n. Reports.

§§ 161 to 164. Omitted.

CODIFICATION

Act Mar. 3, 1925, ch. 426, 43 Stat. 1110, §§ 1—3, 5, was completely amended, renumbered and revised by Pub. L. 86-777, Sept. 13, 1960, 74 Stat. 918.

Section 161, acts Mar. 3, 1925, ch. 426, § 1, 43 Stat. 1110; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 885, authorized the Secretary of the Interior to acquire and reserve helium-gas lands and to produce and store helium gas. Substantially similar provisions are now covered by section 3 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167a of this title.

Section 162, acts Feb. 12, 1925, ch, 225, title I, 43 Stat. 908; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized the Navy Department to acquire helium-gas lands and to produce and experiment with helium gas.

Section 163, acts Mar. 3, 1925, ch. 426, § 2, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 886, authorized the Bureau of Mines to produce helium gas. Similar provisions are now covered by section 4 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167b of this title.

Section 164, acts Mar. 3, 1925, ch. 426, § 3, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 886, related to the disposal of helium by sale, upon request of the Army or Navy or other Federal Government agencies, or for medicinal, scientific or commercial use, to the deposit and use of funds obtained by the sale of the gas, and to an annual report to Congress by the Secretary of the Interior on said funds. Similar provisions are now covered by section 6 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167b of this title.

§ 165. Repealed. Aug. 26, 1954, ch. 937, title V, § 542 (a) (13), 68 Stat. 861.

Section, acts Mar. 3, 1925, ch. 426, § 4, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887, related to exportation of helium gas, and is now covered by section 1934 of Title 22, Foreign Relations and Intercourse.

§ 166. Cooperation of Departments to effectuate purposes of chapter.

Section, acts Mar. 3, 1925, ch. 426, § 5, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized the Secretaries of the Army and of the Navy to designate representatives to cooperate with the Department of the Interior to effectuate the purposes of the chapter, and gave them the right of access to plants, data and accounts. Similar provisions are now covered by section 7 of act Mar. 3, 1925, as amended by Pub. L. 86–777, which is classified to section 167a of this title.

§ 167. Definitions.

As used in this chapter:

(1) The term "Secretary" means the Secretary of the Interior;

(2) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision thereof; and

(3) The terms "helium-bearing natural gas" and "helium-gas mixture mean respectively, natural gas and gas mixtures containing three-tenths of 1 per centum or more of helium by volume.

(Mar. 3, 1925, ch. 426, § 2, as renumbered Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 918.)

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86–777 provided that: "The amendment made by this Act [to this chapter] shall become effective on March 1, 1961."

SHORT TITLE OF 1960 AMENDMENTS

Section 1 of Pub. L. 86–777 provided that Pub. L. 86–777, which completely amended the provisions of this chapter, may be cited as the "Helium Act Amendments of 1960."

SHORT TITLE

Section 1 of act Mar. 3, 1925, as renumbered by Pub. L. 86–777, § 2, provided that act Mar. 3, 1925, which is classified to this chapter, may be cited as the "Helium Act."

SEPARABILITY OF PROVISIONS

Section 17 of act Mar. 3, 1925, as added by Pub. L. 86–777, § 2, provided that: "If any provision of this Act [chapter], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [chapter] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

§ 167a. Authority of Secretary.

(a) Conserving, producing, buying and selling helium.

For the purpose of conserving, producing, buying, and selling helium, the Secretary is authorized—

(1) to acquire by purchase, lease, gift, exchange, or eminent domain, lands or interests therein or options thereon, including but not limited to sites, rights-of-way, and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but any such land or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such land or interest in land, and (B) that such acquisition by eminent domain is necessary in the national interest;

(2) to make just and reasonable contracts and agreements for the acquisition, processing, transportation, or conservation of helium, helium-bearing natural gas, or helium-gas mixtures upon such terms and conditions, and for such periods, not exceeding twenty-five years, as may be necessary to accomplish the purposes of the chapter, except that the Secretary shall not make such contracts and agreements which shall require payments by the Government in any one fiscal year aggregating more than the amount which shall be established initially in an appropriation Act and which may be increased from time to time in appropriation Acts, or if the Secretary—

(A) determines that the national interests require the conservation of certain helium or require certain helium-bearing natural gas or certain helium-gas mixture for the production or conservation of helium, and

(B) determines that he is unable to acquire such helium, helium-bearing natural gas, or helium-gas mixture upon reasonable terms and at the fair market value,

he is authorized to acquire by eminent domain such helium and so much of such helium-bearing natural gas or helium-gas mixture as is necessarily consumed in the extraction of such helium after removal from its place of deposit in nature and wherever found, or the temporary use of such helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium, together with the appropriate interest in pipelines, equipment, installations, facilities, personal or real property, including reserves, easements or other rights necessary or incident to the acquisition of such helium, natural gas, or mixture, but the condemnation of any such helium, helium-bearing natural gas, or helium-gas mixture, shall be effected in the same manner and following the procedures established in section 167f(a) of this title, the just compensation for such condemnation to be measured by terms and prices determined to be commensurate with the fair market value, and in the temporary use of any helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium the Secretary shall cause no delay in the delivery of natural gas to the owner, purchaser, or purchasers, thereof, except that required by the extractive processes;

(3) to construct or acquire by purchase, lease, exchange, gift or eminent domain, plants, wells, pipelines, compressor stations, camp buildings, and other facilities, for the production, storage, purification, transportation, purchase, and sale of helium, helium-bearing natural gas, and helium-gas mixtures: and to acquire patents or rights therein and reports of experimentation and research used in connection with the properties acquired or useful in the Government's helium operations;

(4) to dispose of, by lease or sale, property, including wells, lands, or interests therein, not valuable for helium production, and oil, gas, and byproducts, of helium operations not needed for Government use, except that property determined by the Secretary to be "excess" within the meaning of section 3(e) of the Federal Property and Administrative Services Act of June 30, 1949, as

amended, shall be disposed of in accordance with the provisions of that Act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium; and

(5) to accept equipment, money, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

(b) Helium on public domain.

Any known helium-gas-bearing land on the public domain not covered at the time by leases or permits under the Mineral Lands Leasing Act of February 25, 1920, as amended, may be reserved for the purposes of this chapter, and any reservation of the ownership of helium may include the right to extract, or have extracted, such helium, under such rules and regulations as may be prescribed by the Secretary, from all gas produced from lands so permitted, leased, or otherwise granted for development, except that in the extraction of helium from gas produced from such lands, it shall be extracted so as to cause no delay, except that required by the extraction process, in the delivery of gas produced from the well to the purchaser or purchasers thereof at the point of delivery specified in contracts for the purchase of such gas. If any reserved rights of ownership and extraction of helium are not exercised before production of any helium-bearing natural gas or any helium-gas mixture, the Secretary is authorized to acquire such helium in accordance with subsection (a) (2) of this section.

(c) Contract price.

All contracts and agreements made by the Secretary for the acquisition of helium from a private plant shall contain a provision precluding the plant owner from selling any helium to any purchaser other than the Secretary at a price lower than the lowest price paid by any Government agency for helium acquired from any private plant under any contract entered into pursuant to this section and outstanding at the time of such sale. (Mar. 3, 1925, ch. 426, § 3, as renumbered Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 918.)

REFERENCES IN TEXT

Section 3(e) of the Federal Property and Administrative Services Act of June 30, 1949, as amended, referred to in subsec. (a) (4), is classified to section 472(e) of Title 40, Public Buildings, Property and Works.

That Act, referred to in subsec. (a) (4) is act June 30, 1949, ch. 288, 63 Stat. 377. Titles I–IV and VI–VIII thereof are classified to chapters 10 and 16 of Title 40, Public Buildings, Property, and Works, and chapter 4 of Title 41, Public Contracts. Title V thereof was classified to former chapter 11 of Title 44, Public Printing and Documents, but was repealed in the revision of Title 44 by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1309. The subject matter of such former title V is now covered by chapters 21, 25, 27, 29, and 31 of title 44.

Mineral Lands Leasing Act of Feb. 25, 1920, referred to in subsec. (b), is classified to sections 181—184, 185—188, 189—192, 193, 194 [repealed], 201, 202—209, 211—214, 223, 224—226.2, 227—229a, 241, 251, 261—263 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167f of this title.

§ 167b. Production of helium; maintenance and operation of facilities; research.

The Secretary is authorized to maintain and operate helium production and purification plants together with facilities and accessories thereto; to acquire, store, transport, sell, and conserve helium, helium-bearing natural gas, and helium-gas mixtures, to conduct exploration for and production of helium on and from the lands acquired, leased, or reserved; and to conduct or contract with public or private parties for experimentation and research to discover helium supplies and to improve processes and methods of helium production, purification, transportation, liquefaction, storage, and utilization: *Provided, however,* That all research contracted for, sponsored, cosponsored, or authorized under authority of this chapter shall be provided for in such a manner that all information, uses, products, processes, patents and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public: *And provided further,* That nothing contained herein shall be construed as to deprive the owner of any background patent relating thereto to such rights as he may have thereunder. (Mar. 3, 1925, ch. 426, § 4, as renumbered Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 920.)

§ 167c. Licensing.

(a) Rules and regulations.

Whenever the President determines that the defense, security, and general welfare of the United States requires such action, the Secretary shall issue such regulations as he deems necessary for the licensing of sales and transportation of helium in interstate commerce after extraction from helium-bearing natural gas or helium-gas mixtures. Thereafter it shall be unlawful for any person to sell or transfer helium in interstate commerce except in accordance with such regulations or pursuant to the terms of a license issued by the Secretary, or in accordance with the terms of a contract or agreement with the Secretary entered into pursuant to this chapter. For the purpose of this section, the term "helium" shall mean helium, after extraction from helium-bearing natural gas or helium-gas mixtures, in a refined or semirefined state suitable for use.

(b) Terms; assignments; revocations.

Each license shall be issued for a specified period to be determined by the Secretary, but not exceeding five years, and may be renewed by the Secretary upon the expiration of such period. No such license shall be issued to a person if in the opinion of the Secretary the issuance of a license to such person would be inimical to the defense and security of the United States. No such license shall be assigned or otherwise transferred directly or indirectly except with the consent or approval of the Secretary in writing. Any such license may be revoked for any material false statement in the application for license, or for violation or a failure to comply with the terms and provisions of this chapter, the regu-

lations issued by the Secretary pursuant thereto or the terms of the license.

(c) Purpose.

In issuing licenses under this section, the Secretary shall impose such regulations and terms of licenses as will permit him effectively to promote the common defense and security as well as the general welfare of the United States. The licensing authority herein granted shall be used solely for the purpose of preventing the transportation or sale of helium for end uses determined by the Secretary to be nonessential or wasteful, and any determination that any end use is nonessential or wasteful shall be published in the form of general regulations applicable to all transportation or sales of helium.

(d) Suspension; reacquisition of supplies.

Whenever Congress or the President declares that a war or national emergency exists, the Secretary is authorized to suspend any license granted under this chapter if in his judgment such suspension is necessary to the defense and security of the United States, and he is further authorized to take such steps as may be necessary to recapture or reacquire supplies of helium. (Mar. 3, 1925, ch. 426, § 5, as renumbered Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 920.)

§ 167d. Sale of helium.

(a) Purchase by Government Agencies.

The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary.

(b) Sales by the Secretary.

The Secretary is authorized to sell helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as he determines.

(c) Prices and determinations.

Sales of helium by the Secretary shall be at prices established by him which shall be adequate to cover all costs incurred in carrying out the provisions of this chapter and to repay to the United States by deposit in the Treasury, together with interest as provided in subsection (d) of this section, the following:

(1) Within twenty-five years from September 13, 1960, the net capital and retained earnings of the helium production fund (established under section 3 of this Act prior to amendment by the Helium Act Amendments of 1960), determined by the Secretary as of September 13, 1960, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 167j of this chapter, to acquire and construct helium plants and facilities; and

(3) Within tweny-five years from September 13, 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 167j of this title for all purposes other than those specified in clause (2) above.

(d) Interest in price determinations.

Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) of this section which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this chapter, except that the interest rate on the amounts specified in clause (1) of subsection (c) of this section shall be determined as of September 13, 1960, and the interest rate on the obligations specified in clauses (2) and (3) of subsection (c) as of the time of each borrowing.

(e) Prices of sales for medical purposes; sales to non-Federal purchasers.

Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.

(f) Helium production fund.

All moneys received under this chapter, including moneys from sale of helium or other products resulting from helium operations and from the sale of excess property shall be credited to the helium production fund, which shall be available without fiscal year limitation, for carrying out the provisions of this chapter, including any research relating to helium carried out by the Department of the Interior. Amounts accumulating in said fund in excess of amounts the Secretary deems necessary to carry out this chapter and contracts negotiated hereunder shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section. (Mar. 3, 1925, ch. 426, § 6, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 921.)

REFERENCES IN TEXT

The helium production fund (established under section 3 of this Act prior to the amendment by the Helium Act Amendments of 1960, referred to in subsec. (c)(1), means the fund established under section 3 of act Mar. 3, 1925, which was classified to section 164 of this title, prior to the amendment of act Mar. 3, 1925, by Pub. L. 86–777. For present provisions, see subsec. (f) of this section.

Prior to amendment by the Helium Act Amendments of 1960, referred to in subsec. (c)(1), means prior to Mar. 1, 1961, the effective date of Pub. L. 86–777, which is classified to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167j of this title.

§ 167e. Intragovernmental cooperation.

The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this chapter, and shall

have complete right of access to plants, data, and accounts. (Mar. 3, 1925, ch. 426, § 7, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 921.)

§ 167f. Condemnation proceedings.

(a) Proceedings for the condemnation of any property under section 167a of this title shall be instituted and maintained pursuant to the provisions of section 257 of Title 40, and sections 1358 and 1403 of Title 28, of the United States Code, or any other Federal statute applicable to the acquisition of real property of eminent domain. Sections 258a to 258f of Title 40 shall be applicable to any such proceedings. Wherever the words "real property", "realty", "land", "easement", "right-of-way", or words of similar meaning, are used in such code provisions or Acts relating to procedure, jurisdiction, and venue, they shall be deemed, for the purposes of this chapter, to include any personal property authorized to be acquired hereunder.

(b) In the event of disposal under section 167a (a)(4) of this title of any property acquired by eminent domain pursuant to this chapter, the former owner or successor in interest of the rights therein shall have the preferential right to reacquire such property on terms as favorable as those terms whereby disposition may be made under such section. (Mar. 3, 1925, ch. 426, § 8, as added Sept. 13. 1960, Pub. L. 86–777, § 2, 74 Stat. 922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167a of this title.

§ 167g. Promulgation of rules and regulations.

The Secretary is authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this chapter and are necessary to carry out the provisions hereof. (Mar. 3, 1925, ch. 426, § 9, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 922.)

§ 167h. Administrative procedure.

(a) The provisions of the Administrative Procedure Act of June 11, 1946, as amended, shall apply to any agency proceeding and any agency action taken under this chapter, including the issuance of rules and regulations, and the terms "agency proceeding" and "agency action" shall have the meaning specified in the Administrative Procedure Act.

(b) In any proceeding under this chapter for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceeding shall be subject to judicial review in the manner prescribed in sections 1031 to 1042 of Title 5, and to the provisions of section 1009 of Title 5. (Mar. 3, 1925, ch. 426, § 10, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 922.)

REFERENCES IN TEXT

Administrative Procedure Act of June 11, 1946, as amended, referred to in subsec. (a), is classified to sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

Sections 1031 to 1042 of Title 5, referred to in subsec. (b), were repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, in the general revision of Title 5 and are now covered by section 2341 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 1009 of Title 5, referred to in subsec. (b), was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, in the general revision of Title 5 and is now covered by sections 701 to 706 of Title 5, Government Organization and Employees.

§ 167i. Exclusion from the Natural Gas Act.

The provisions of the Natural Gas Act of June 21, 1938, as amended, shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to the separation of such helium from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and in determining the rates of a natural gas company under sections 717c and 717d of Title 15, whenever helium is extracted from helium-bearing natural gas, there shall be excluded (1) all income received from the sale of helium; (2) all direct costs incurred in the extraction, processing, compression, transportation or storage of helium; and (3) that portion of joint costs of exploration, production, gathering, extraction, processing, compression, transportation or storage divided and allocated to helium on a volumetric basis. (Mar. 3, 1925, ch. 426, § 11, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 922.)

REFERENCES IN TEXT

Natural Gas Act of June 21, 1938, as amended, referred to in the text, is classified to chapter 15B of Title 15, Commerce and Trade.

§ 167j. Loans and obligations.

(a) The Secretary is authorized to borrow annually from the Treasury and credit to the fund established under section 167d(f) of this title such amounts as may be authorized in the initial appropriation Act and which may be increased from time to time in appropriation Acts and as are necessary to carry out the provisions of this chapter and contractual obligations hereunder.

(b) For the purpose of this section the Secretary may issue to the Secretary of the Treasury notes, debentures, bonds, or other obligations to be redeemable at the option of the Secretary before maturity in such manner as may be stipulated in such obligations. The Secretary of the Treasury is authorized and directed to purchase any obligations issued by the Secretary under authority of this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of obligations of the Secretary hereunder. (Mar. 3, 1925, ch. 426, § 12, as added Sept. 13, 1960, Pub. L. 86–777, § 2, 74 Stat. 923.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in subsec. (b), is Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b,

and 757c, former section 757c-1, and sections 757c-2, 757c-3, 757d, 757e, 758, 760, 764, 765, 766, 771, 773, 774, and 801 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167d of this title.

§ 167k. Violations; penalties.

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this chapter or any regulation or order issued or any terms of a license granted thereunder shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than twenty years, or both. (Mar. 3, 1925, ch. 426, § 13, as added Sept. 13, 1960, Pub. L. 86-777, § 2, 74 Stat. 923.)

§ 167*l*. Injunctions.

Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States. (Mar. 3, 1925, ch. 426, § 14, as added Sept. 13, 1960, Pub. L. 86-777, § 2, 74 Stat. 923.)

§ 167m. Individual enterprise in developing helium.

It is the sense of the Congress that it is in the national interest to foster and encourage individual enterprise in the development and distribution of supplies of helium, and at the same time provide, within economic limits, through the administration of this chapter, a sustained supply of helium which, together with supplies available or expected to become available otherwise, will be sufficient to provide for essential Government activities. (Mar. 3, 1925, ch. 426, § 15, as added Sept. 13, 1960, Pub. L. 86-777, § 2, 74 Stat. 923.)

§ 167n. Reports.

The Secretary of the Interior is directed to report annually to the Congress on the matters contained in this chapter. (Mar. 3, 1925, ch. 426, § 16, as added Sept. 13, 1960, Pub. L. 86-777, § 2, 74 Stat. 923.)

Chapter 11.—ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES

Sec.
171, 171-1. Repealed.
171a. Same; real property for war purposes.
171b to 173. Repealed.
174. Expenditures and contracts for payments in excess of appropriation.
175. Opinion of Attorney General as to validity of title; acquisition by United States of jurisdiction over lands.
176. Expenditures on docks, etc., on Hudson River; section 175 inapplicable.
177 to 179. Repealed.

§§ 171, 171-1. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 171, acts Aug. 18, 1890, ch. 797, § 1, 26 Stat. 316; July 2, 1917, ch. 35, 40 Stat. 241; Apr. 11, 1918, ch. 51, 40 Stat. 518, authorized the Secretary of War to institute condemnation proceedings for the acquisition of land, to purchase land, and to accept donations of land, and is now covered by section 2663 of Title 10, Armed Forces.

Section 171-1, act Oct. 25, 1951, ch. 563, § 101, 65 Stat. 641, granted certain condemnation authority to the Secretary of the Navy, and is now covered by sections 2663 and 2668 of Title 10, Armed Forces.

§ 171a. Same; real property for war purposes.

CODIFICATION

Section, act July 2, 1917, ch. 35, § 2, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 201, 56 Stat. 177, terminated on Dec. 28, 1945 by act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 202, as added Dec. 28, 1945, ch. 590, § 1 (a), 59 Stat. 658, formerly set out as section 632a of Appendix to this title.

§ 171b. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570.

Section, acts Aug. 3, 1956, ch. 939, title IV, § 406, 70 Stat. 1015; Aug. 20, 1958, Pub. L. 85-685, title V, § 510, 72 Stat. 662, related to acquisition of land not exceeding $5,000 in cost, and is now covered by section 2672 of Title 10, Armed Forces.

§§ 172, 173. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 172, act July 9, 1918, ch. 143, subch. XV § 8, 40 Stat. 888, related to acquisition of property for production of lumber, and is now covered by sections 2664 and 2665 of Title 10, Armed Forces.

Section 173, act Apr. 28, 1904, ch. 1762, § 1, 33 Stat. 497, related to purchase of land for quarters and barracks in addition to sites for fortifications.

§ 174. Expenditures and contracts for payments in excess of appropriation.

CODIFICATION

Section, act Aug. 18, 1890, ch. 797, § 1, 26 Stat. 316, provided that nothing contained in former section 171 of this title should be construed to authorize an expenditure or involve the Government in any contract for future payment of money in excess of sums appropriated therefor.

§ 175. Opinion of Attorney General as to validity of title; acquisition by United States of jurisdiction over lands.

Unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States, public money may not be expended for the purchase of the land or any interest therein.

The Attorney General may delegate his responsibility under this section to other departments and agencies, subject to his general supervision and in accordance with regulations promulgated by him.

Any Federal department or agency which has been delegated the responsibility to approve land titles under this section may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of title or other evidences of title as the Attorney General may require may be paid out of the

appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency.

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority.

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted. (R. S § 355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Sept. 1, 1970, Pub. L. 91-393, § 1, 84 Stat. 835.)

DERIVATION

Res. Sept. 11, 1841, No. 6, 5 Stat. 468.

CODIFICATION

Section is also set out as section 733 of Title 33, Navigation and Navigable Waters, and as section 255 of Title 40, Public Buildings, Property and Works.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1970—Pub. L. 91-393 substituted provisions requiring the Attorney General to give written approval of the sufficiency of title prior to the purchase of lands or interest therein, empowering the Attorney General to delegate his responsibilities, authorizing Federal departments and agencies which have been delegated the responsibility to approve land titles to request opinions, advice or assistance of the Attorney General, and permitting the payment from appropriations of the expenses of procuring certificates or other evidences of title, for provisions which prohibited expenditures of public money upon any site or land purchased by the United States until the Attorney General gave his written opinion in favor of the validity of title, permitted acceptance of title subject to infirmities if the Attorney General approved, authorized the Attorney General to approve title to easements or rights-of-way, and which made certain exceptions from the provisions of this section.

1940—Act Oct. 9, 1940, amended section generally.

Act Feb. 1, 1940, omitted provision that no expenditures shall be made for purchases until the consent of the State has been given and added provisions that exclusive jurisdiction is not required and for acceptance of jurisdiction from State.

1930—Act June 28, 1930, authorized Attorney General to base his opinion in favor of validity of title upon certificate of title of a title company.

CROSS REFERENCES

Acquisition of land and interests therein without compliance with this section, see sections 767 and 771 of Appendix to this title.

Docks, etc. on Hudson River, inapplicability, see section 176 of this title.

Erection of forts in emergency, inapplicability, see sections 4776 and 9776 of Title 10, Armed Forces.

Provisions as applicable to purchase contract agreements, see section 356(j) of Title 40, Public Buildings, Property and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 176 of this title; title 16 section 343b; title 40 section 356; title 42 section 1502.

§ 176. Expenditures on docks, etc., on Hudson River; section 175 inapplicable.

Section 175 of this title shall not apply to any expenditures authorized in connection with the docks, piers, warehouses, wharves, and terminal equipment and facilities on the Hudson River formerly owned by the North German Lloyd Dock Company and the Hamburg-American Line Terminal and Navigation Company. (Mar. 28, 1918, ch. 28, § 1, 40 Stat. 460.)

CODIFICATION

The President having by proclamation dated June 28, 1918, taken possession of the property of the North German Lloyd Dock Company and the Hamburg-American Line Terminal & Navigation Company, a provision authorizing the acquisition was omitted herein as executed.

§§ 177 to 179. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat 641.

Section 177, act June 25, 1906, ch. 3540, 34 Stat. 463, related to contracts for the construction of fortifications and other works of defense.

Section 178, act Apr. 11, 1898, No. 21, 30 Stat. 737, provided for erection of forts in emergency, and is now covered by sections 4776 and 9776 of Title 10, Armed Forces.

Section 179, act June 30, 1921, ch. 33, § 1, 42 Stat. 81, related to chargeability of appropriations with respect to transportation cost incident to construction and maintenance of seacoast fortifications.

Chapter 12.—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Sec.
191. Regulation of anchorage and movement of vessels during national emergency.
191a. Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy.
191b. Canal Zone laws unaffected.
191c. Repealed.
192. Seizure and forfeiture of vessel; fine and imprisonment.
193. Repealed.
194. Enforcement of chapter.
195. "United States" defined.
196. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters.
197. Same; voluntary purchase or charter agreements.
198. Same; documentation of vessels; waiver of compliance; coastwise trade; inspection; reconditioning of vessels; effective period; definition.

CROSS REFERENCES

Definition of "Foreign government", see section 11 of Title 18, Crimes and Criminal Procedure.

Jurisdiction of United States District Court for the Canal Zone of offenses against the laws of the United States committed on the high seas, see section 3241 of Title 18, Crimes and Criminal Procedure.

§ 191. Regulation of anchorage and movement of vessels during national emergency.

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Canal Zone, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States, the Canal Zone, and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this chapter. (June 15, 1917, ch. 30, title II, § 1, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 1, 64 Stat. 427; Sept. 26, 1950, ch. 1049, § 2 (b), 64 Stat. 1038.)

REFERENCES IN TEXT

In the original "this chapter" referred to Title II of act June 17, 1917, which was set out as sections 191, 192, 193, and 194 of this title. Section 193 has been repealed and is now covered by section 2274 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1950—Act Aug. 9, 1950, authorized the President to institute such rules and regulations to control anchorage and movement of foreign-flag vessels in United States waters when the national security is endangered.

CHANGE OF NAME

The Governor of the Panama Canal was redesignated Governor of the Canal Zone by act Sept. 26, 1950.

TERMINATION DATE OF 1950 AMENDMENT

Section 4 of act Aug. 9, 1950, provided that the amendments of this section and sections 192 (a) and 194 of this title by said act Aug. 9, 1950, should expire on such date as Congress by concurrent resolution may specify.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

SEPARABILITY OF PROVISIONS

Section 4 of title XIII of act June 15, 1917, provided: "If any clause, sentence, paragraph, or part of this chapter or of chapter 12 of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered." Provisions of that act are now contained in sections 191, 192, 194 of this title and in sections 213, 401—408, 462, 465 of title 22. Repealed provisions of that act were contained in former sections 31—39, 41, and 193 of this title and certain former sections of titles 18 and 22.

APPROVAL OF THE PRESIDENT

Power of the Secretary of the Treasury to perform, without the approval, ratification, or other action of the President, the functions vested in him by this section, see Ex. Ord. No. 10289, September 17, 1951, 16 F. R. 9499, set out as a note under section 301 of Title 3, The President.

REGULATIONS—POST-WAR GENERALLY

For regulations relating to safeguarding of vessels, harbors, ports, and waterfront facilities, under a finding that the security of the United States is endangered by reason of subversive activity, see Ex. Ord. No. 10173, Oct. 20, 1950, 15 F. R. 7005.

REGULATIONS—CANAL ZONE

For regulations relating to the safeguarding of vessels, harbors, ports, and waterfront facilities in the Canal Zone, see Ex. Ord. No. 10226, Mar. 23, 1951, 16 F. R. 2673.

REGULATIONS—WORLD WAR II

Proc. No. 2732, June 2, 1947, 12 F. R. 3583, revoked Proc. No. 2412, June 27, 1940, 5 F. R. 2419, 54 Stat. 2711, which granted consent of President to the exercise of certain powers under this section by the Secretary of the Treasury and the Governor of the Canal Zone.

REGULATIONS—WORLD WAR I

A proclamation was issued under this section on December 3, 1917.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see section

1(r) of Ex. Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Authority conferred by second paragraph of this section not affected by sections 191a and 191b of this title, see section 191b of this title.

Carrying or possessing explosives or dangerous weapons on vessels seized, forfeited, or upon which guard has been placed under this chapter, see section 2277 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 191a of this title; title 42 section 267.

§ 191a. Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy.

When the Coast Guard operates as a part of the Navy pursuant to section 3 of Title 14, the powers conferred on the Secretary of the Treasury by section 191 of this title, shall vest in and be exercised by the Secretary of the Navy. (Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763; Oct. 18, 1962, Pub. L. 87-845, § 11, 76A Stat. 699.)

AMENDMENTS

1962—Pub. L. 87-845 substituted "section 3 of title 14" for "section 1 of title 14."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87-845 effective Jan. 2, 1963, see note set out under section 14 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 191b of this title.

§ 191b. Canal Zone laws unaffected.

Sections 191a and 191b of this title and section 91 of Title 14 do not affect the authority conferred upon the Governor of the Canal Zone by the second paragraph of section 191 of this title, notwithstanding the provisions of section 191a of this title; nor do they affect the powers and authority conferred by section 34 of Title 2, Canal Zone Code. Nov. 15, 1941, ch. 471, § 4, 55 Stat. 763; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038; Oct. 18, 1962, Pub. L. 87-845, § 12, 76A Stat. 699.)

AMENDMENTS

1962—Pub. L. 87-845 substituted references to section 91 of Title 14 and section 34 of Title 2, Canal Zone Code, for references to section 48a of Title 14 and section 8 of Title 2, Canal Zone Code, respectively.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87-845 effective Jan. 2, 1963, see note set out under section 14 of Title 18, Crimes and Criminal Procedure.

CHANGE OF NAME

The Governor of the Panama Canal was redesignated Governor of the Canal Zone by act Sept. 26, 1950, formerly set out as section 1305-1 of Title 48, Territories and Insular Possessions.

§ 191c. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561.

Section, act Nov. 15, 1941, ch. 471, § 1, 55 Stat. 763, related to control of anchorage and movement of vessels to insure safety of naval vessels, and is now covered by section 91 of Title 14, Coast Guard.

§ 192. Seizure and forfeiture of vessel; fine and imprisonment.

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000. (June 15, 1917, ch. 30, title II, § 2, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3 (a), 54 Stat. 79; Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763; Aug. 9, 1950, ch. 656, § 3, 64 Stat. 428.)

REFERENCES IN TEXT

In the original "this chapter" referred to title II of act June 17, 1917 which was set out as sections 191, 192, 193, and 194 of this title. Section 193 has been repealed and is now covered by section 2274 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1950—Subsec. (a). Act Aug. 9, 1950, added subsec. (a).

1941—Act Nov. 15, 1941, struck out "by the Secretary of the Treasury or the Governor of the Panama Canal" preceding "under the provisions of this chapter".

1940—Act Mar. 28, 1940, increased term of imprisonment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42, section 267.

§ 193. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, acts June 15, 1917, ch. 30, title II, § 3, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3 (b), 54 Stat. 79, related to destruction of, injury to, or improper use of vessels, and is now covered by section 2274 of Title 18, Crimes and Criminal Procedure.

§ 194. Enforcement of chapter.

The President may employ such departments, agencies, officers, or instrumentalities of the United States as he may deem necessary to carry out the purpose of this chapter. (June 15, 1917, ch. 30, title II, § 4, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 2, 64 Stat. 428.)

REFERENCES IN TEXT

In the original "this chapter" referred to title II of act June 17, 1917 which was set out as sections 191, 192, 193, and 194 of this title. Section 193 has been repealed and is now covered by section 2274 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1950—Act Aug. 9, 1950, authorized the President to employ such departments, agencies, etc., as he deems necessary to carry out this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42, section 267.

§ 195. "United States" defined.

The term "United States" as used in this chapter includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231.)

REFERENCES IN TEXT

In the original "this chapter" referred to title II of act June 17, 1917 which was set out as sections 191, 192, 193, and 194 of this title. Section 193 has been repealed and is now covered by section 2274 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly section 40 of this title. In the original this section defined "United States" as used in act June 15, 1917. Other provisions of that act were contained in former sections 31—42 of this title and certain former sections of title 18. The definition of "United States" as used in present provisions derived from those former sections is now covered by sections 5 and 14 of Title 18, Crimes and Criminal Procedure.

§ 196. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters.

During any period in which vessels may be requisitioned under section 1242 of Title 46, the President is authorized and empowered through the Secretary of Commerce to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by citizens of the United States which is lying idle in waters within the jurisdiction of the United States, including the Canal Zone, and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 1242 of Title 46. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of section 1242 of Title 46, shall be made from such fund upon the certificate of the Secretary of Commerce. (Aug. 9, 1954, ch. 659, § 1, 68 Stat. 675.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 198 of this title.

§ 197. Same; voluntary purchase or charter agreements.

During any period in which vessels may be requisitioned under section 1242 of Title 46, the President is authorized through the Secretary of Commerce to acquire by voluntary agreement of purchase or charter the ownership or use of any merchant vessel not owned by citizens of the United States. (Aug. 9, 1954, ch. 659, § 2, 68 Stat. 675.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 198 of this title.

§ 198. Same; documentation of vessels; waiver of compliance; coastwise trade; inspection; reconditioning of vessels; effective period; definition.

(a) Any vessel not documented under the laws of the United States, acquired by or made available to the Secretary of Commerce under sections 196 to 198 of this title, or otherwise, may, notwithstanding any other provision of law, in the discretion of the Secretary of the Treasury be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of the Treasury may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of sections 196 to 198 of this title, and in accordance with the provisions of subsection (c) of this section, engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this subsection shall be surrendered at any time that such surrender may be ordered by the Secretary of the Treasury. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

(b) The President may, notwithstanding any other provisions of law, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this section to such extent and upon such terms as he finds necessary because of the lack of physical facilities on such vessels, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

(c) Any vessel while documented under the provisions of this section, when chartered under sections 196 to 198 of this title by the Secretary of Commerce to Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Secretary of Commerce, who is authorized to issue permits for such purpose pursuant to such rules and regulations as he may prescribe. The Secretary of Commerce is authorized to prescribe such rules and regulations as he may deem necessary or appropriate to carry out the purposes and provisions of this section. The second paragraph of section 808 of Title 46, shall not apply with respect to vessels chartered to Government agencies or departments or to private operators or otherwise used or disposed of under sections 196 to 198 of this title. Existing laws covering the inspection of steam vessels are made applicable to vessels documented under this section only to such extent and upon such conditions as may be required by regulations of the Secretary of the department in which the Coast Guard is operating: *Provided,* That in determining to what extent those laws should be made

applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

(d) The Secretary of Commerce without regard to the provisions of section 5 of Title 41 may repair, reconstruct, or recondition any vessels to be utilized under sections 196 to 198 of this title. The Secretary of Commerce and any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under sections 196 to 198 of this title may, with the aid of any funds available and without regard to the provisions of said section 5 of Title 41, repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning. The Secretary of Commerce may operate or charter for operation any vessel to be utilized under sections 196 to 198 of this title to private operators, citizens of the United States, or to any department or agency of the United States Government, without regard to the provisions of sections 1191 to 1204 of Title 46, and any department or agency of the United States Government is authorized to enter into such charters.

(e) In case of any voyage of a vessel documented under the provisions of this section begun before the date of termination of an effective period of section 196 of this title, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

(f) When used in sections 196 to 198 of this title, the term "documented" means "registered", "enrolled and licensed", or "licensed". (Aug. 9, 1954, ch. 659, § 3, 68 Stat. 675.)

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

Chapter 13.—INSURRECTION

Sec.
201 to 204. Repealed.
205. Suspension of commercial intercourse with State in insurrection.
206. Suspension of commercial intercourse with part of State in insurrection.
207. Persons affected by suspension of commercial intercourse.
208. Licensing or permitting commercial intercourse with State or region in insurrection.
209. Repealed.
210. Penalties for unauthorized trading, etc.; jurisdiction of prosecutions.
211. Investigations to detect and prevent frauds and abuses.
212. Confiscation of property employed to aid insurrection.
213. Jurisdiction of confiscation proceedings.
214. Repealed.
215. Institution of confiscation proceedings.
216. Preventing transportation of goods to aid insurrection.
217. Trading in captured or abandoned property.
218. Repealed.
219. Removal of customhouse and detention of vessels thereat.
220. Enforcement of section 219.
221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.
222. Vessels auxiliary to Coast Guard cutters to enforce provisions of chapter.
223. Forfeiture of vessels owned by citizens of insurrectionary States.
224. Refusing clearance to vessels with suspected cargoes; forfeiture for departing without clearance.
225. Bond to deliver cargo at destination named in clearance.
226. Protection of liens on condemned vessels.

§§ 201 to 204. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 201, R. S. § 5297, provided for Federal aid for State Governments in case of an insurrection in any State, and is now covered by section 331 of Title 10, Armed Forces.

Section 202, R.S. § 5298, related to use of military and naval forces to enforce authority of Federal Government, and is now covered by section 332 of Title 10, Armed Forces.

Section 203, R. S. § 5299, related to denial by State of equal protection of laws and authorized the President to take measures for the suppression of any insurrection, domestic violence, or combinations, and is now covered by section 333 of Title 10, Armed Forces.

Section 204, R. S. § 5300, authorized the President to issue a proclamation commanding insurgents to disperse, and is now covered by section 334 of Title 10, Armed Forces.

§ 205. Suspension of commercial intercourse with State in insurrection.

Whenever the President, in pursuance of the provisions of this chapter, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States. (R. S. § 5301.)

DERIVATION

Acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; July 31, 1861, ch. 32, 12 Stat. 284.

CROSS REFERENCES

Extension of this section to—

Parts of States, see section 206 of this title.

Persons in occupied territory and aliens, see section 207 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 206, 223 of this title.

§ 206. Suspension of commercial intercourse with part of State in insurrection.

Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of section 205 of this title for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President. (R. S. § 5302.)

DERIVATION

Act July 2, 1864, ch. 225, § 5, 13 Stat. 376.

§ 207. Persons affected by suspension of commercial intercourse.

The provisions of this chapter in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection. (R. S. § 5303.)

DERIVATION

Act July 2, 1864, ch. 225, § 4, 13 Stat. 376.

§ 208. Licensing or permitting commercial intercourse with State or region in insurrection.

The President may, in his discretion, license and permit commercial intercourse with any part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. (R. S. § 5304.)

DERIVATION

Acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; July 2, 1864, ch. 225, § 9, 13 Stat. 377.

§ 209. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632.

Section R.S. § 5305, which had been derived from acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; June 30, 1864, ch. 171, § 28, 13 Stat. 218, related to appointment of officers to carry into effect licenses to trade in State or region in an insurrection.

§ 210. Penalties for unauthorized trading, etc.; jurisdiction of prosecutions.

Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this chapter, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or who is guilty of any act of embezzlement, of willful misappropriation of public or private money or property, of keeping false accounts, or of willfully making any false returns, shall be deemed guilty of a misdemeanor, and shall be fined not more than $5,000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same. (R. S. § 5306.)

DERIVATION

Act July 2, 1864, ch. 225, § 10, 13 Stat. 377.

CROSS REFERENCES

Offenses punishable by imprisonment for term exceeding one year made felonies, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 211. Investigations to detect and prevent frauds and abuses.

It shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in any trade or transactions which may be licensed between inhabitants of loyal States

and of States in insurrection. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath. (R. S. § 5307.)

DERIVATION

Act July 2, 1864, ch. 225, § 10, 13 Stat. 377.

CROSS REFERENCES

Authority of any employee of any Department detailed to investigate frauds on the Government, or any official misconduct, to administer oaths to witnesses, see section 303 of Title 5, Government Organization and Employees.

§ 212. Confiscation of property employed to aid insurrection.

Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employe, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned. (R. S. § 5308.)

DERIVATION

Act Aug. 6, 1861, ch. 60, § 1, 12 Stat. 319.

§ 213. Jurisdiction of confiscation proceedings.

Such prizes and capture shall be condemned in the district court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted. (R. S. § 5309; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 253; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

DERIVATION

Act Aug. 6, 1861, ch. 60, § 2, 12 Stat. 319; act Feb. 27, 1877, ch. 69, 19 Stat. 253.

AMENDMENTS

1911—Act Mar. 3, 1911, deleted reference to the circuit courts of the United States.

1877—Act Feb. 27, 1877, inserted "may" following "any district in which the same".

§ 214. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, R. S. § 5310, provided that property taken on inland waters of the United States was not a maritime prize, and is now covered by section 7651 (c) of Title 10. Armed Forces.

§ 215. Institution of confiscation proceedings.

The Attorney General, or the United States attorney for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts. (R. S. § 5311; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

DERIVATION

Act Aug. 6, 1861, ch. 60, § 3, 12 Stat. 319.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "attorney of the United States". See section 501 of Title 28, Judiciary and Judicial Procedure.

§ 216. Preventing transportation of goods to aid insurrection.

The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this chapter, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited. (R. S. § 5312.)

DERIVATION

Act May 20, 1862, ch. 81, § 3, 12 Stat. 404.

§ 217. Trading in captured or abandoned property.

All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this chapter, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than $5,000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same. (R. S. § 5313.)

DERIVATION

Act July 2, 1864, ch. 225, § 10, 13 Stat. 377.

CROSS REFERENCES

Dealing in captured or abandoned property to be punishable as a court-martial may direct, see section 903 of Title 10, Armed Forces.

Offenses punishable by imprisonment for term exceeding one year made felonies, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 218. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632.

Section, R.S. § 5314; act Mar. 2, 1929, ch. 510, § 1, 45 Stat. 1496, related to the authority of the President in the collection of duties to change ports of entry in case of insurrection.

§ 219. Removal of customhouse and detention of vessels thereat.

Whenever, at any port of entry, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, or by the course provided in section 218 of this title, by reason of the cause mentioned in said section, he may direct that the customhouse for the district be established in any secure place within the district, either on land or on board any vessel in the district, or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching the district, until the duties imposed by law on such vessels and their cargoes are paid in cash. But if the owner or consignee of the cargo on board any vessel thus detained, or the master of the vessel, desires to enter a port of entry in any other district where no such obstructions to the execution of the laws exist, the master may be permitted so to change the destination of the vessel and cargo in his manifest; whereupon the collector shall deliver him a written permit to proceed to the port so designated. And the Secretary of the Treasury, with the approval of the President, shall make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable. (R. S. § 5315.)

DERIVATION

Acts July 13, 1861, ch. 3, § 2, 12 Stat. 256; Mar. 3, 1875, ch. 136, § 2, 18 Stat. 469.

REFERENCES IN TEXT

Section 218 of this title, referred to in the text, has been repealed. See note thereunder. "Said section", referred to in the text, refers to such section 218.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5. See note below.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The collector, referred to in this section, is an official of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 220, 221 of this title.

§ 220. Enforcement of section 219.

It shall be unlawful to take any vessel or cargo detained under section 219 of this title from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers as may be necessary, to prevent the removal of such vessel or cargo, and to protect the officers of the customs in retaining the custody thereof. (R. S. § 5316.)

DERIVATION

Act July 12, 1861, ch. 3, § 3, 12 Stat. 256.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 221 of this title.

§ 221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.

Whenever, in any collection district, the duties on imports can not, in the judgment of the President, be collected in the ordinary way, nor in the manner provided by sections 218 to 220 of this title, by reason of the cause mentioned in section 218 of this title, the President may close the port of entry in that district; and shall in such case give notice thereof by proclamation. And thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed until it is opened by the order of the President on the cessation of such obstructions. Every vessel from beyond the United States, or having on board any merchandise liable to duty, which attempts to enter any port which has been closed under this section, shall, with her tackle, apparel, furniture, and cargo, be forfeited. (R. S. § 5317.)

DERIVATION

Act July 12, 1861, ch. 3, § 4, 12 Stat. 256.

REFERENCES IN TEXT

Section 218 of this title, referred to in two places in the text, has been repealed. See note thereunder.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated

not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 222. Vessels auxiliary to Coast Guard cutters to enforce provisions of chapter.

CODIFICATION

Section, R. S. § 5318; act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800, is now covered by section 540 of Title 19, Customs Duties.

§ 223. Forfeiture of vessels owned by citizens of insurrectionary States.

From and after fifteen days after the issuing of the proclamation, as provided in section 205 of this title, any vessel belonging in whole or in part to any citizen or inhabitant of such State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited. (R. S. § 5319.)

DERIVATION

Act July 12, 1861, ch. 3, § 7, 12 Stat. 257.

§ 224. Refusing clearance to vessels with suspected cargoes; forfeiture for departing without clearance.

The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such merchandise, or any part thereof, whatever may be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been refused by the Secretary of the Treasury, or by his order, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, shall be forfeited. (R. S. § 5320.)

DERIVATION

Act May 20, 1862, ch. 81, § 1, 12 Stat. 404.

§ 225. Bond to deliver cargo at destination named in clearance.

Whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he deems it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States. (R. S. § 5321.)

DERIVATION

Act May 20, 1862, ch. 81, § 2, 12 Stat. 404.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 226. Protection of liens on condemned vessels.

In all cases wherein any vessel, or other property, is condemned in any proceeding by virtue of any laws relating to insurrection or rebellion, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such vessel, or other property, of any bona fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence, as a valid claim against such vessel, or other property, under the laws of the United States or of any State thereof not declared to be in insurrection. No such claim shall be allowed in any case where the claimant has knowingly participated in the illegal use of such ship, vessel, or other property. This section shall extend to such claims only as might have been enforced specifically against such vessel, or other property, in any State not declared to be in insurrection, wherein such claim arose. (R. S. § 5322.)

DERIVATION

Act Mar. 3, 1863, ch. 90, 12 Stat. 762

Chapter 14.—WARTIME VOTING BY LAND AND NAVAL FORCES

SUBCHAPTER I.—RIGHT TO VOTE

§§ 301 to 303. Repealed. Aug. 9, 1955, ch. 656, title III, § 307, 69 Stat. 589.

Section 301, acts Sept. 16, 1942, ch. 561, title I, § 1, 56 Stat. 753; July 1, 1943, ch. 187, §§ 1, 5, 57 Stat. 371, granted absentee members of the land or naval forces of the United States the right to vote in Presidential, Vice Presidential, and Congressional elections.

Section 302, act Sept. 16, 1942, ch. 561, title I, § 2, 56 Stat. 753, exempted persons in the military service in time of war from paying poll taxes or other taxes as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

Section 303, acts Sept. 16, 1942, ch. 561, title I, § 3, 56 Stat. 753; Apr. 1, 1944, ch. 150, 58 Stat. 136, provided for voting in accordance with state law.

Sections 301—303 are now covered by section 1451 et seq. of this title.

ADDITIONAL REPEAL

Sections 301—303 were also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70 Stat. 641.

§§ 304 to 315. Repealed. Apr. 1, 1944, ch. 150, 58 Stat. 136.

Sections were from act Sept. 16, 1942, ch. 561, §§ 4—15, 56 Stat. 753—757. Present provisions on the subject of these sections are contained in section 1451 et seq. of this title.

SUBCHAPTER II.—RECOMMENDATION TO STATES

§§ 321 to 331. Repealed. Aug. 9, 1955, ch. 656, title III, § 307, 69 Stat. 589.

Sections 321—323, act Sept. 16, 1942, ch. 561, title II, §§ 201—203, as added Apr. 1, 1944, ch. 150, 58 Stat. 136, 137, and amended Apr. 19, 1946, ch. 142, 60 Stat. 96, 97, provided for state enactment of absentee voting legislation, use of post cards, waiver of registration, voting privileges for certain discharged persons, and distribution of ballots, envelopes, and voting instructions.

Section 324, act Sept. 16, 1942, ch. 561, title II, § 204, as added Apr. 1, 1944, ch. 150, 58 Stat. 138, and amended Apr. 19, 1946, ch. 142, 60 Stat. 97; Sept. 29, 1950, ch. 1112, § 1, 64 Stat. 1082, provided for style and markings of envelopes, protective inserts, return envelopes, and size and weight of ballots and envelopes.

Sections 325—327, act Sept. 16, 1942, ch. 561, title II, §§ 205—207, as added Apr. 1, 1944, ch. 150, 58 Stat. 138, 139, and amended Apr. 19, 1946, ch. 142, 60 Stat. 97, 98, provided for form for signature and oath of voter, administration of oath, instructions for marking of ballots, and extension of state's time limit.

Section 328, act Sept. 16, 1942, ch. 561, title II, § 208, as added Apr. 19, 1946, ch. 142, 60 Stat. 99, provided for notification of forthcoming elections by secretaries of states.

Section 329, act Sept. 16, 1942, ch. 561, title II, § 209, as added Apr. 19, 1946, ch. 142, 60 Stat. 99, and amended Sept. 29, 1950, ch. 1111, 64 Stat. 1082, provided for cooperation with states, printing and transmitting of post cards, and content of post cards.

Sections 330, 331, act Sept. 16, 1942, ch. 561, title II, §§ 210, 211, as added Apr. 19, 1946, ch. 142, 60 Stat. 101, provided for transmission, delivery and return of post cards, ballots, envelopes and instructions, and for distribution of information concerning forthcoming elections.

Sections 321—331 are now covered by section 1451 et seq. of this title.

ADDITIONAL REPEAL

Sections 321—331 were also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

§§ 332 to 340. Omitted.

CODIFICATION

Section 332, act Sept. 16, 1942, ch. 561, title III, § 302, as added Apr. 1, 1944, ch. 150, 58 Stat. 140, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96, and a new section 302 of act of Sept. 16, 1942, inserted by act Apr. 19, 1946, is now covered by section 1451 et seq. of this title.

Section 333, act Sept. 16, 1942, ch. 561, title III, § 303, as added by act Apr. 1, 1944, ch. 150, 58 Stat. 141, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to federal war ballots and envelopes is not now covered.

Section 334, act Sept. 16, 1942, ch. 561, title III, § 304, as added Apr. 1, 1944, ch. 150, 58 Stat. 143, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to federal balloting and administration of oaths is now covered by section 1452 of this title.

Section 335, act Sept. 16, 1942, ch. 561, title III, § 305, as added Apr. 1, 1944, ch. 150, 58 Stat. 143, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to administration is now covered by section 1461 of this title.

Section 336, act Sept. 16, 1942, ch. 561, title III, § 306, as added Apr. 1, 1944, ch. 150, 58 Stat. 144, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to lists of candidates is not now covered.

Section 337, act Sept. 16, 1942, ch. 561, title III, § 307, as added Apr. 1, 1944, ch. 150, 58 Stat. 144, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to distribution and collection of federal ballots is not now covered.

Section 338, act Sept. 16, 1942, ch. 561, title III, § 308, as added Apr. 1, 1944, ch. 150, 58 Stat. 145, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to distribution and collection of ballots for merchant marine is now covered by section 1463 of this title.

Section 339, act Sept. 16, 1942, ch. 561, title III, § 309, as added Apr. 1, 1944, ch. 150, 58 Stat. 145, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to transmission of ballots is now covered by section 1463 of this title.

Section 340, act Sept. 16, 1942, ch. 561, title III, § 310, as added act Apr. 1, 1944, ch. 150, 58 Stat. 145, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to reports to Commission is now covered by section 1461 of this title.

SUBCHAPTER III—VOTING SAFEGUARDS

§ 341. Repealed. Aug. 9, 1955, ch. 656, title III, § 307, 69 Stat. 589.

Section, act Sept. 16, 1942, ch. 561, title III, § 301, as added Apr. 19, 1946, ch. 142, 60 Stat. 101, provided for the prevention of fraud, coercion, and undue influence; free discussion, and acts done in good faith, and is now covered by sections 1473 to 1475 of this title.

ADDITIONAL REPEAL

Section was also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

§ 342. Repealed. May 24, 1949, ch. 139, § 142, 63 Stat. 109.

Section, act Sept. 16, 1942, ch. 561, title III, § 302, as added Apr. 19, 1946, ch. 142, 60 Stat. 102, related to prohibition against taking of polls, and is now covered by section 596 of Title 18, Crimes and Criminal Procedure. Original section 342, act Sept. 16, 1942, ch. 561, title III, § 312, as added Apr. 1, 1944, ch. 150, 58 Stat. 146, was struck out by act Apr. 19, 1946, and is now covered by sections 1473 to 1475 of this title.

§§ 343 to 347. Omitted.

CODIFICATION

Section 343, act Sept. 16, 1942, ch. 561, title III, § 313, as added Apr. 1, 1944, ch. 150, 58 Stat. 146, was stricken out by act Apr. 16, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to penalties for offenses against the elective franchise is not now covered.

Section 344, act Sept. 16, 1942, ch. 561, title III, § 314, as added Apr. 1, 1944, ch. 150, 58 Stat. 146, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to taking of polls is now covered by section 596 of Title 18, Crimes and Criminal Procedure.

Section 345, act Sept. 16, 1942, ch. 561, title III, § 315, as added Apr. 1, 1944, ch. 150, 58 Stat. 147, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to state officials is not now covered.

Section 346, act Sept. 16, 1942, ch. 561, title III, § 316, as added Apr. 1, 1944, ch. 150, 58 Stat. 147, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to officials and agencies acting for Secretary of State is not now covered.

Section 347, act Sept. 16, 1942, ch. 561, title III, § 317, as added Apr. 1, 1944, ch. 150, 58 Stat. 147, was stricken out by act Apr. 19, 1946, ch. 142, 60 Stat. 96. Subject matter of former section relating to construction of chapter is not now covered.

SUBCHAPTER IV.—DEFINITIONS

§§ 351 to 355. Repealed. Aug. 9, 1955, ch. 656, title III, § 307, 69 Stat. 589.

Section 351, act Sept. 16, 1942, ch. 561, title IV, § 401, as added Apr. 19, 1946, ch. 142, 60 Stat. 102, defined terms used in former sections 301—303, 321—331, 341, and 351—355.

Section 352, act Sept. 16, 1942, ch. 561, title IV, § 402, as added Apr. 19, 1946, ch. 142, 60 Stat 102, and amended Sept. 29, 1950, ch. 1112, § 2, 64 Stat. 1083, provided for free postage for post cards, ballots, voting instructions and envelopes.

Sections 353—355, act Sept. 16, 1942, ch. 561, title IV, §§ 403—405, as added Apr. 19, 1946, ch. 142, 60 Stat. 103, provided for the administration of chapter, separability provisions and construction of chapter.

Sections 351—355 are now covered by section 1451 et seq. of this title.

ADDITIONAL REPEAL

Sections 351—355 were also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Chapter 15.—NATIONAL SECURITY

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§ 401. Congressional declaration of purpose.

In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff. (July 26, 1947, ch. 343, § 2, 61 Stat. 496; Aug. 10, 1949, ch. 412, § 2, 63 Stat. 579; Aug. 6, 1958, Pub. L. 85-599, § 2, 72 Stat. 514.)

REFERENCES IN TEXT

This legislation, referred to in the text, means the National Security Act of 1947, which is classified to this chapter and chapter 4 of Title 10, Armed Forces.

AMENDMENTS

1958—Pub. L. 85-599 amended section generally, and, among other changes, provided that each military department shall be separately organized, instead of separately administered, under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense, and inserted provisions relating to establishment of unified or specified combatant commands and for elimination of unnecessary duplication.

1949—Act Aug. 10, 1949, provided that the military departments shall be separately administered but be under the direction of the Secretary of Defense, and that there shall not be a single Chief of Staff over the armed forces nor an armed forces general staff.

EFFECTIVE DATE

Section 310 (a) of act July 26, 1947, provided in part that this section became effective as of July 26, 1947.

SHORT TITLE OF 1949 AMENDMENTS

Congress in enacting amendments to former sections 1, 171-171y, 181a, 182a, 420a, 421a, 421b, and 626—626c of Title 5 and sections 401, 402, and 405 of this title, and adding former sections 172—172j of Title 5 provided by section 1of Act Aug. 10, 1949, ch. 412, 63 Stat. 578, that the Act should be popularly known as the "National Security Act Amendments of 1949".

SHORT TITLE

Congress, in enacting act July 26, 1947, provided in part by section 1 of such act that it should be popularly known as the "National Security Act of 1947". Section 1 became effective on July 26, 1947, by section 310 (a) of act July 26, 1947.

SEPARABILITY OF PROVISIONS

Section 309 of act July 26, 1947, provided, "If any provision of this Act [former sections 171-171n, 181-1, 181-2, 411a, 411b, 626-626d of Title 5, section 24 of Title 3 and sections 401-405 of this title] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act [said sections] and of the application of such provision to other persons and circumstances shall not be affected thereby."

Section 310(a) of said act July 26, 1947, provided in part that section 309 of said act July 26, 1947, became effective on July 26, 1947.

SAVINGS PROVISIONS

Section 12(g) of act Aug. 10, 1949, provided that: "All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the

Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act [former sections 1, 171–171n, 172–172j, 181–1, 181–2, 411a, 411b, and 626–626d of Title 5 and sections 401–405 of this title], have the same effect as if this Act [said sections] had not been enacted; but, after the effective date of this Act [Aug. 10, 1949], any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or relate to the officer or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force."

CHANGE OF TITLES OF SECRETARY OF DEFENSE, ET AL.; REAPPOINTMENT

Section 12(f) of act Aug. 10, 1949, provided in part that: "The titles of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Under Secretaries and the Assistant Secretaries of the Departments of the Army, Navy, and Air Force, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, shall not be changed by virtue of this Act, former sections 1, 171–171n, 172–172j, 181–1, 181–2, 411a, 411b, 626–626d of Title 5 and 401–405 of this title and the reappointment of the officials holding such titles on the effective date of this Act [Aug. 10, 1949] shall not be required."

REORGANIZATION PLAN NO. 8 OF 1949

Section 12(i) of act Aug. 10, 1949, provided that: "Reorganization Plan Numbered 8 of 1949, which was transmitted to the Congress by the President on July 18, 1949 [Appendix to Title 5] pursuant to the provisions of the Reorganization Act of 1949, shall not take effect, notwithstanding the provisions of section 6 of such Reorganization Act of 1949 [Appendix to Title 5]."

EX. ORD. NO. 10431. NATIONAL SECURITY MEDAL

Ex. Ord. No. 10431, Jan. 19, 1953, 18 F. R. 437, provided:

1. There is hereby establisned a medal to be known as the National Security Medal with accompanying ribbons and appurtenances. The medal and its appurtenances shall be of appropriate design, approved by the Executive Secretary of the National Security Council.

2. The National Security Medal may be awarded to any person, without regard to nationality, including members of the armed forces of the United States, for distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security.

3. The decoration established by this order shall be awarded by the President of the United States or, under regulations approved by him, by such person or persons as he may designate.

4. No more than one National Security Medal shall be awarded to any one person, but for subsequent services justifying an award, a suitable device may be awarded to be worn with the Medal.

5. Members of the armed forces of the United States who are awarded the decoration established by this order are authorized to wear the medal and the ribbon symbolic of the award, as may be authorized by uniform regulations approved by the Secretary of Defense.

6. The decoration established by this order may be awarded posthumously.

REGULATIONS GOVERNING THE AWARD OF THE NATIONAL SECURITY MEDAL

Pursuant to Paragraph 2 of Executive Order 10431, the following regulations are hereby issued to govern the award of the National Security Medal:

1. The National Security Medal may be awarded to any person without regard to nationality, including a member of the Armed Forces of the United States, who, on or after 26 July 1947, has made an outstanding contribution to the National intelligence effort. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

2. The National Security Medal with accompanying ribbon and appurtenances, shall be of appropriate design to be approved by the Executive Secretary of the National Security Council.

3. The National Security Medal shall be awarded only by the President or his designee for that purpose.

4. Recommendations may be submitted to the Executive Secretary of the National Security Council by any individual having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor of the candidate in the performance of outstanding services, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Any recommendations shall be accompanied by complete documentation, including where necessary, certificates, affidavits or sworn transcripts of testimony. Each recommendation for an award shall show the exact status, at the time of the rendition of the service on which the recommendation is based, with respect to citizenship, employment, and all other material factors, of the person who is being recommended for the National Security Medal.

5. Each recommendation shall contain a draft of an appropriate citation to accompany the award of the National Security Medal.

EX. ORD. NO. 10501. SAFEGUARDING OFFICIAL INFORMATION

Ex. Ord. No. 10501, Nov. 9, 1953, 18 F.R. 7049, as amended by Ex. Ord. No. 10816, May 8, 1959, 24 F.R. 3777; Ex. Ord. No. 10901, Jan. 11, 1961, 26 F.R. 217; Ex. Ord. No. 10964, Sept. 20, 1961, 26 F.R. 8932; Ex. Ord. No. 10985, Jan. 15, 1962, 27 F.R. 439, Ex. Ord. No. 11097, Mar. 6, 1963, 28 F.R. 2225; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, provided:

SECTION 1. *Classification categories.* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) *Top secret.* Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Secret.* Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) *Confidential.* Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SEC. 2. *Limitation of authority to classify.* The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

The White House Office.
President's Science Advisory Committee.
Bureau of the Budget [now Office of Management and Budget].
Council of Economic Advisers.
National Security Council.
Central Intelligence Agency.
Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Justice.
Department of Commerce.
Department of Labor.
Department of Transportation.
Atomic Energy Commission.
Canal Zone Government.
Federal Communications Commission.
Federal Radiation Council.
General Services Administration.
Interstate Commerce Commission.
National Aeronautics and Space Administration.
National Aeronautics and Space Council.
United States Civil Service Commission.
United States Information Agency.
Agency for International Development.
Office of Emergency Planning [now Office of Emergency Preparedness].
Peace Corps.
President's Foreign Intelligence Advisory Board.
United States Arms Control and Disarmament Agency.
Export-Import Bank of Washington.
Office of Science and Technology.
The Special Representative for Trade Negotiations.

(b) In the following departments, agencies, and Governmental units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Governmental unit without delegation:

Post Office Department.
Department of the Interior.
Department of Agriculture.
Department of Health, Education, and Welfare.
Civil Aeronautics Board.
Federal Power Commission.
Government Patents Board.
National Science Foundation.
Panama Canal Company.
Renegotiation Board.
Small Business Administration.
Tennessee Valley Authority.
Federal Maritime Commission.

(c) Any agency or unit of the executive branch not named herein, and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter.

SEC. 3. *Classification.* Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) *Documents in general.* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically connected documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple classification.* A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmittal letters.* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information originated by a foreign government or organization.* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

SEC. 4. *Declassification, downgrading, or upgrading.* When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense consideration permit, and for receiving requests for such review from all sources. However, restricted data and material formerly designated as restricted data shall be handled only in accordance with subparagraph 4(a)(1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:

(a) *Automatic changes.* In order to insure uniform procedures for automatic changes, heads of departments and agencies having authority for original classification of information or material, as set forth in section 2, shall categorize such classified information or material into the following groups:

(1) *Group 1.* Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act [section 2011 et seq. of Title 42, The Public Health and Welfare], and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification.

(2) *Group 2.* Extremely sensitive information or material which the head of the agency or his designees exempt, on an individual basis, from automatic downgrading and declassification.

(3) *Group 3.* Information or material which warrants some degree of classification for an indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

(4) *Group 4.* Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the

lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material.

(b) *Non-automatic changes.* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material officially transferred.* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material not officially transferred.* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Information or material transmitted by electrical means.* The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency.

(f) *Downgrading.* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading.* If the recipient of unclassified information or material believes that it should be classified, or if the recipient of classified information or material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the information or material or upgrade the classification after obtaining the consent of the appropriate classifying authority. The date of this action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a) above) is concerned.

(h) *Departments and Agencies which do not have authority for original classification.* The provisions of this section relating to the declassification of defense information or material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of information or material, but which have formerly classified information or material pursuant to Executive Order No. 10290 of September 24, 1951.

(i) *Notification of change in classification.* In all cases in which action is taken by the reviewing official to downgrade or declassify earlier than called for by the automatic downgrading-declassification stamp, the reviewing official shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addressees to whom they have transmitted the classified information or material.

SEC. 5. *Marking of classified material.* After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Downgrading-declassification markings.* At the time of origination, all classified information or material shall be marked to indicate the downgrading-declassification schedule to be followed in accordance with paragraph (a) of section 4 of this order.

(b) *Bound documents.* The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(c) *Unbound documents.* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(d) *Charts, maps, and drawings.* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(e) *Photographs, films, and recordings.* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(f) *Products or substances.* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(g) *Reproductions.* All copies of reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(h) *Unclassified material.* Normally, unclassified material shall not be marked or stamped "Unclassified" unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(i) Change or removal of classifications. Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. Automatic change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4 (a) hereof.

(j) *Material furnished persons not in the executive branch of the Government.* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act [sections 1801—1819 of Title 42] is authorized when appropriate.

SEC. 6. *Custody and safekeeping.* The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following means shall be taken to protect it:

(a) *Storage of Top Secret information and Material.* As a minimum, Top Secret defense information and material shall be stored in a safe or safe-type steel file container having a three-position dial-type combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of unauthorized access to, or the physical theft of, such information and material. The head of a department or agency may approve other storage facilities which afford equal protection, such as an alarmed area, a vault, a vault-type room, or an area under continuous surveillance.

(b) *Storage of Secret and Confidential information and material.* As a minimum, Secret and Confidential defense information and material may be stored in a manner authorized for Top Secret information and material, or in steel file cabinets equipped with steel lockbar and a changeable three-combination dial-type padlock or in other storage facilities which afford equal protection and which are authorized by the head of the department or agency.

(c) *Storage or protection equipment.* Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Services Administration.

(d) *Other classified material.* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(e) *Changes of lock combinations.* Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(f) *Custodian's responsibilities.* Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(g) *Telephone conversations.* Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(h) *Loss or subjection to compromise.* Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

SEC. 7. *Accountability and dissemination.* Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability procedures.* Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination outside the executive branch.* Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information originating in another department or agency.* Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, ch. 343, 61 Stat. 498, as amended [section 403 of this title], classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SEC. 8. *Transmission.* For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for transmission.* Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt

only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting top secret material.* The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret information and material.* Secret information and material shall be transmitted within and between the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for Top Secret information and material, by authorized courier, by United States registered mail, or by the use of protective services provided by commercial carriers, air or surface, under such conditions as may be prescribed by the head of the department or agency concerned. Secret information and material may be tranmitted outside those areas by one of the means established for Top Secret information and material, by commanders or masters of vessels of United States registry, or by the United States registered mail through Army, Navy, Air Force, or United States civil postal facilities; provided that the information or material does not at any time pass out of United States Government control and does not pass through a foreign postal system. For the purposes of this section registered mail in the custody of a transporting agency of the United States Post Office is considered within United States Government control unless the transporting agent is foreign controlled or operated. Secret information and material may, however, be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous States, the District of Columbia, Alaska, and Canada by United States and Canadian registered mail with registered mail receipt. Secret information and material may also be transmitted over communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) *Transmitting Confidential information and material.* Confidential information and material shall be transmitted within the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside those areas Confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an agency.* Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SEC. 9. *Disposal and destruction.* Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, ch. 192, 57 Stat. 380, as amended [now covered by section 3301 et seq. of Title 44]. Nonrecord classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of destruction.* Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) *Records of destruction.* Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SEC. 10. *Orientation and inspection.* To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

SEC. 11. *Interpretation of regulations by the Attorney General.* The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SEC. 12. *Statutory requirements.* Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

SEC. 13. *"Restricted Data" Material formerly designated as "Restricted Data," communications intelligence and cryptography.* (a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended [section 2011 et seq. of Title 42, The Public Health and Welfare]. "Restricted Data," and material formerly designated as "Restricted Data," shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto.

SEC. 14. *Combat operations.* The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SEC. 15. *Exceptional cases.* When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

Historical Research. As an exception to the standard for access prescribed in the first sentence of section 7, but subject to all other provisions of this order, the head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the information will be clearly consistent with the interests of national defense, and (b) the person to be granted access is trustworthy: *Provided,* that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised.

SEC. 16. *Review to insure that information is not improperly withheld hereunder.* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

SEC. 17. *Review to insure safeguarding of classified defense information.* The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SEC. 18. *Review within departments and agencies.* The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

SEC. 19. *Unauthorized disclosure by Government personnel.* The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case.

SEC. 20. *Revocation of Executive Order No. 10290.* Executive Order No. 10290 of September 26, 1951, is revoked as of the effective date of this order.

SEC. 21. *Effective date.* This order shall become effective on December 15, 1953.

EX. ORD. NO. 10865. SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

Ex. Ord. No. 10865, Feb. 23, 1960, 25 F.R. 1583, as amended by Ex. Ord. No. 10909, Jan. 18, 1961, 26 F.R. 508; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, provided:

Whereas it is mandatory that the United States protect itself against hostile or destructive activities by preventing unauthorized disclosures of classified information relating to the national defense; and

Whereas it is a fundamental principle of our Government to protect the interests of individuals against unreasonable or unwarranted encroachment; and

Whereas I find that the provisions and procedures prescribed by this order are necessary to assure the preservation of the integrity of classified defense information and to protect the national interest; and

Whereas I find that those provisions and procedures recognize the interest of individuals affected thereby and provide maximum possible safeguards to protect such interests:

Now, therefore, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, and the Secretary of Transportation, respectively, shall, by regulation, prescribe such specific requirements, restrictions, and other safeguards as they consider necessary to protect (1) releases of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination, of, contracts with their respective agencies, and (2) other releases of classified information to or within industry that such agencies have responsibility for safeguarding. So far as possible, regulations prescribed by them under this order shall be uniform and provide for full cooperation among the agencies concerned.

(b) Under agreement between the Department of Defense and any other department or agency of the United States, including, but not limited to, those referred to in subsection (c) of this section, regulations prescribed by the Secretary of Defense under subsection (a) of this section may be extended to apply to protect releases (1) of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with such other department or agency, and (2) other releases of classified information to or within industry which such other department or agency has responsibility for safeguarding.

(c) When used in this order, the term "head of a department" means the Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the head of any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Attorney General. The term "department" means the Department of State, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Transportation, any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in subsections 4 and 8, includes the Department of Justice.

SEC. 2. An authorization for access to classified information may be granted by the head of a department or his designee, including but not limited to, those officials named in section 8 of this order, to an individual, hereinafter termed an "applicant", for a specific classification category only upon a finding that it is clearly consistent with the national interest to do so.

SEC. 3. Except as provided in section 9 of this order, an authorization for access to a specific classification category may not be finally denied or revoked by the head of a department or his designee, including, but not limited to, those officials named in section 8 of this order, unless the applicant has been given the following:

(1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits.

(2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons.

(3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee including, but not limited to, those officials named in section 8 of this order for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf.

(4) A reasonable time to prepare for that appearance.

(5) An opportunity to be represented by counsel.

(6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant.

(7) A written notice of the final decision in his case which, if adverse, shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

SEC. 4. (a) An applicant shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity in the circumstances described in either of the following paragraphs:

(1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identify would be substantially harmful to the national interest.

(2) The head of the department concerned or his special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the head of the department or such special designee has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (B) due to some other cause determined by the head of the department to be good and sufficient.

(b) Whenever procedures under paragraphs (1) or (2) of subsection (a) of this section are used (1) the applicant shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, (2) appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and (3) a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 5. (a) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to the department concerned by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned to safeguard classified information within industry pursuant to this order.

(b) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the applicant, may be received and considered provided that: (1) the head of the department concerned or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material, (2) the head of the department concerned or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security, and (3) to the extent that the national security permits, a summary or description of such physical evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered. In such instances a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 6. The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, Federal Aviation Agency [now Federal Aviation Administration], or his representative, or the head of any other department or agency of the United States with which the Department of Defense makes an agreement under section 1(b), or his representative, may issue, in appropriate cases, invitations and requests to appear and testify in order that the applicant may have the opportunity to cross-examine as provided by this order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An officer or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination.

SEC. 7. Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.

SEC. 8. Except as otherwise specified in the preceding provisions of this order, any authority vested in the head of a department by this order may be delegated to the

(1) Under Secretary of State or a Deputy Under Secretary of State, in the case of authority vested in the Secretary of State;

(2) Deputy Secretary of Defense or an Assistant Secretary of Defense, in the case of authority vested in the Secretary of Defense;

(3) General Manager of the Atomic Energy Commission, in the case of authority vested in the Commissioners of the Atomic Energy Commission;

(4) Deputy Administrator of the National Aeronautics and Space Administration, in the case of authority vested in the Administrator of the National Aeronautics and Space Administration;

(5) Under Secretary of Transportation, in the case of authority vested in the Secretary of Transportation;

(6) Deputy Attorney General or an Assistant Attorney General, in the case of authority vested in the Attorney General, or

(7) the deputy of that department, or the principal assistant to the head of that department, as the case may be, in the case of authority vested in the head of a department or agency of the United States with which the Department of Defense makes an agreement under section 1(b).

SEC. 9. Nothing contained in this order shall be deemed to limit or affect the responsibility and powers of the head of a department to deny or revoke access to a specific classification category if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the head of a department determines that the procedures prescribed in sections 3, 4, and 5 cannot be invoked consistently with the national security and such determination shall be conclusive.

DWIGHT D. EISENHOWER

EX. ORD. NO. 10985. AMENDMENT OF EXECUTIVE ORDER NO. 10501, RELATING TO SAFEGUARDING OFFICIAL INFORMATION

Ex. Ord. No. 10985, Jan. 12, 1962, 27 F.R. 439, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and deeming such action necessary in the best interest of the national security, it is ordered that section 2 of Executive Order No. 10501 of November 5, 1953, as amended by Executive Order No. 10901, of January 9, 1961 [set out as a note under this section], be, and it is hereby, further amended as follows:

SECTION 1. Subsection (a) of section 2 is amended (1) by deleting from the list of departments and agencies thereunder the Operations Coordinating Board, the Office of Civil and Defense Mobilization, the International Cooperation Administration, the Council on Foreign Economic Policy, the Development Loan Fund, and the President's Board of Consultants on Foreign Intelligence

Activities, and (2) by adding thereto the following-named agencies:

Agency for International Development.
Office of Emergency Planning.
Peace Corps.
President's Foreign Intelligence Advisory Board.
United States Arms Control Disarmament Agency.

SEC. 2. Subsection (b) of section 2 is amended by deleting from the list of departments and agencies thereunder the Government Patents Board, and by adding thereto the following-named agency:

Federal Maritime Commission.

SEC. 3. The agencies which have been added by this order to the lists of departments and agencies under subsections (a) and (b) of section 2 of Executive Order No. 10501, as amended [set out as a note under this section], shall be deemed to have had authority for classification of information or material from the respective dates on which such agencies were established.

JOHN F. KENNEDY

EX. ORD. NO. 11097. AMENDMENT OF EXECUTIVE ORDER NO. 10501, RELATING TO SAFEGUARDING OFFICIAL INFORMATION

Ex. Ord. No. 11097, Feb. 28, 1963, 28 F.R. 2225, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is hereby ordered as follows:

SECTION 1. Section 2 of Executive Order No. 10501 of November 5, 1953, as amended by Executive Order No. 10901 of January 9, 1961 and by Executive Order No. 10985 of January 12, 1962 [set out as a note under this section], is hereby further amended (A) by adding at the end of Subsection (a) thereof "Export-Import Bank of Washington", "Office of Science and Technology", and "The Special Representative for Trade Negotiations"; and (B) by deleting from Subsection (b) thereof "Subversive Activities Control Board."

SEC. 2. The Export-Import Bank of Washington, the Office of Science and Technology, and The Special Representative for Trade Negotiations shall be deemed to have had authority for the original classification of information and material from the respective dates on which such agencies were established.

JOHN F. KENNEDY

OFFICE OF EMERGENCY PREPAREDNESS

The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 125, 133.

§ 402. National Security Council.

(a) Establishment; presiding officer; functions; composition.

There is established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—

(1) the President;

(2) the Vice President;

(3) the Secretary of State;

(4) the Secretary of Defense;

(5) the Director for Mutual Security;

(6) The Chairman of the National Security Resources Board; and

(7) the Secretaries and Under Secretaries of other executive departments and of the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure.

(b) Additional functions.

In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) Executive secretary; appointment and compensation; staff employees.

The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council, is authorized, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) Recommendations and reports.

The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require. (July 26, 1947, ch. 343, title I, § 101, 61 Stat. 497; Aug. 10, 1949, ch. 412, § 3, 63 Stat. 579; Oct. 28, 1949, ch. 782, title XI, § 1106 (a), 63 Stat. 972; Oct. 10, 1951, ch. 479, title V, § 501 (e) (1), 65 Stat. 378.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (c), are classified generally to Title 5, Government Organization and Employees.

CODIFICATION

Provisions in subsec. (c) which limited the compensation of the executive secretary to $10,000 a year were omitted since the position referred to is now in the classified civil service and subject to the applicable compensation schedules.

The authority for covering excepted positions into the classified civil service was given the President by section 2101 et seq. of Title 5, Government Organization and Employees. By Executive Order 8743, Apr. 25, 1941, the President exercised this authority with respect to many previously excepted positions.

AMENDMENTS

1951—Subsec. (a). Act Oct. 10, 1951, inserted clause (5), relating to Director for Mutual Security, in fourth paragraph, and renumbered former clauses (5) and (6) thereof as clauses (6) and (7), respectively.

1949—Subsec. (a). Act Aug. 10, 1949, added the Vice President to the Council, removed the Secretaries of the military departments, to authorize the President to add, with the consent of the Senate, Secretaries and Under Secretaries of other executive departments and of the military department, and the Chairmen of the Munitions Board and the Research and Development Board.

Subsec. (c) amended by act Oct. 28, 1949, which substituted the "Classification Act of 1949" for the "Classification Act of 1923, as amended", which, for purposes of codification, has been translated as "chapter 51 and subchapter III of chapter 53 of Title 5."

TRANSFER OF FUNCTIONS

The functions of the Director of the Office of Defense Mobilization with respect to being a member of the National Security Council were transferred to the Director of the Office of Civil and Defense Mobilization by 1958 Reorg. Plan No. 1, § 4, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861, set out as a note under section 2271 of Appendix to this title.

The National Security Council, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) were transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F.R. 5227, 63 Stat. 1067, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION AS UNAFFECTED BY REPEALS

Repeals by section 542 (a) of Mutual Security Act of 1954 did not repeal amendment to this section by act Oct. 10, 1951.

ABOLISHMENT OF MUNITIONS BOARD AND TRANSFER OF FUNCTIONS

The Munitions Board, together with the office of Chairman, was abolished and the Board's functions transferred to the Secretary of Defense by 1953 Reorg. Plan No. 6, eff. June 30, 1953, 18 F.R. 3743, set out in the Appendix to Title 5, Government Organization and Employees.

ABOLISHMENT OF OFFICE OF DIRECTOR FOR MUTUAL SECURITY AND TRANSFER OF FUNCTIONS

The office of Director for Mutual Security was abolished and the functions of the Director, including those as a member of the National Security Council transferred to the Director of the Foreign Operations Administration by 1953 Reorg. Plan No. 7, eff. Aug. 1, 1953, 18 F.R. 4541. The Foreign Operations Administration was subsequently superseded by the Agency for International Development.

ABOLISHMENT OF RESEARCH AND DEVELOPMENT BOARD AND TRANSFER OF FUNCTIONS

The Research and Development Board, together with the office of Chairman, was abolished and the Board's functions transferred to the Secretary of Defense by 1953 Reorg. Plan No. 6, eff. June 30, 1953, 18 F. R. 3743, set out in the Appendix to Title 5, Government Organization and Employees.

NATIONAL SECURITY AGENCY

Pub. L. 86-36, §§ 1—8, May 29, 1959, 73 Stat. 63, as amended by Pub. L. 87-367, title II, §§ 201, 204, Oct. 4, 1961, 70 Stat. 789, 791; Pub. L. 87-793, § 1001(c), Oct. 11, 1962, 76 Stat. 864; Sept. 23, 1950, ch. 1024, title III, § 306 (a), as added Mar. 26, 1964, Pub. L. 88-290, 78 Stat. 170; Aug. 14, 1964, Pub. L. 88-426, title III, § 306(h), 78 Stat. 430; Oct. 6, 1964, Pub. L. 88-631 § 3(d), 78 Stat. 1008; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 660; Oct. 8, 1966, Pub. L. 89-632, § 1(e), 80 Stat. 878; Pub. L. 91-187, § 2, Dec. 30, 1969, 83 Stat. 850, provided certain administrative authorities for the National Security Agency.

Sections 1 and 3 of Pub. L. 86-36 amended section 1082 of former Title 5, and section 1581(a) of Title 10, Armed Forces (as modified by section 12(a) of the Federal Employees Salary Increase Act of 1958, 72 Stat. 213), respectively.

Section 1 exempted the National Security Agency from the provisions of the Classification Act of 1949, now covered by chapter 51 and subchapter III of chapter 53 of Title 5. Section 3 deleted provision permitting the Secretary of Defense to establish not more than 50 research and development positions in the National Security Agency.

Sections 2, 4, 7, and 8 of Pub. L. 86-36 provided as follows:

"SEC. 2. The Secretary of Defense (or his designee for the purpose) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic compensation for such positions shall be fixed by the Secretary of Defense (or his designee for the purpose) in relation to the rates of basic compensation contained in the General Schedule of the Classification Act of 1949, as amended [now set out in section 5332 of Title 5], for positions subject to such Act which have corresponding levels of duties and responsibilities. Except as provided in subsections (f) and (g) of section 303 of the Federal Executive Salary Act of 1964, no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule. Not more than seventy such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule. [As amended Pub. L. 87-367, title II, § 201, Oct. 4, 1961, 75 Stat. 789; Sept. 23, 1950, ch. 1024, title III, § 306(a), as added Mar. 26, 1964, Pub. L. 88-290, 78 Stat. 170; Aug. 14, 1964, Pub. L. 88-426, title III, § 306(h), 78 Stat. 430; Oct. 6, 1964, Pub. L. 88-631, § 3(d), 78 Stat. 1008; Oct. 8, 1966, Pub. L. 89-632, § 1 (e) (1), 80 Stat. 878.]

SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to—

"(1) establish in the National Security Agency (A) professional engineering positions primarily concerned with research and development and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

"(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees appointed to positions under section 2 of this Act who may be paid at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule." [As amended Pub. L. 87-367, title II, § 204, Oct. 4, 1961, 75 Stat. 791; Pub. L. 87-793, § 1001(c), Oct. 11, 1962, 76 Stat. 864; Oct. 8, 1966, Pub. L. 89-632, § 1(e), 80 Stat. 878; Pub. L. 91-187, § 2, Dec. 30, 1969, 83 Stat. 850].

"SEC. 7. [Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 660.]"

"SEC. 8. The foregoing provisions of this Act shall take effect on the first day of the first pay period which begins later than the thirtieth day following the date of enactment of this Act."

EXECUTIVE ORDER NO. 10700

Ex. Ord. No. 10700, Feb. 25, 1957, 22 F.R. 1111, as amended by Ex. Ord. No. 10773, July 3, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 8, 1958, 23 F.R. 6971; Ex. Ord. 10838, Sept. 17, 1959, 24 F.R. 7519, which provided for the Operations Coordinating Board, was revoked by Ex. Ord. No. 10920, Feb. 20, 1961, 26 F.R. 1463.

EX. ORD. NO. 10483

Ex. Ord. No. 10483, Sept. 3, 1953, 18 F.R. 5379, as amended by Ex Ord. No. 10598, Feb. 28, 1955, 20 F.R. 1237, which provided for an Operations Coordinating Board, was superseded by Ex. Ord. No. 10700, Feb. 25, 1957.

§ 403. Central Intelligence Agency.

(a) Establishment; Director and Deputy Director; appointment.

There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the

head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.

(b) Commissioned officer as Director or Deputy Director; powers and limitations, effect on commissioned status.

(1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances.

(3) The rank or grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise authorized and appropriated for the armed service of which he is a member.

(c) Termination of employment of officers and employees; effect on right of subsequent employment.

Notwithstanding the provisions of section 652 of Title 5, or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) Powers and duties.

For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided,* That the Agency shall have no police, subpena, law-enforcement powers, or internal-security functions: *Provided further,* That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further,* That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) Inspection of intelligence of other departments.

To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter

provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however,* That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Termination of National Intelligence Authority; transfer of personnel, property, records, and unexpended funds.

Effective when the Director first appointed under subsection (a) of this section has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

(July 26, 1947, ch. 343, title I, § 102, 61 Stat. 498; Apr. 4, 1953, ch. 16, 67 Stat. 20.)

REFERENCES IN TEXT

Section 652 of title 5, referred to in subsec. (c), is now covered by sections 7101, 7102, and 7501 of Title 5, Government Organization and Employees.

AMENDMENTS

1953—Subsec. (a) and (b). Act Apr. 4, 1953, provided for the appointment of a Deputy Director of Central Intelligence and to define his duties and status.

REPEALS

Act Oct. 15, 1949, ch. 695, § 4, 63 Stat. 880, formerly set out in the credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 655.

TRANSFER OF FUNCTIONS

The National Security Council was transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F. R. 5227, 63 Stat. 1067. See note set out under section 402 of this title.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

Compensation of Director and Deputy Director, see sections 5313 and 5314 of Title 5, Government Organization and Employees.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Pub. L. 88-643, Oct. 13, 1964, 78 Stat. 1043, as amended by Pub. L. 90-539, Sept. 30, 1968, 82 Stat. 902; Pub. L. 91-185, Dec. 30, 1969, 83 Stat. 847; Pub. L. 91-626, §§ 1-6, Dec. 31, 1970, 84 Stat. 1872-1874, provided:

"TITLE I—TITLE AND DEFINITIONS

"PART A—TITLE

"SEC. 101. This Act may be cited as the 'Central Intelligence Agency Retirement Act of 1964 for Certain Employees'.

"PART B—DEFINITIONS

"SEC. 111. When used in this Act, the term—

"(1) 'Agency' means the Central Intelligence Agency;

"(2) 'Director' means the Director of Central Intelligence; and

"(3) 'Qualifying service' means service performed as a participant in the system or, in the case of service prior to designation, service determined by the Director to have been performed in carrying out duties described in section 203.

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"PART A—ESTABLISHMENT OF SYSTEM

"RULES AND REGULATIONS

"SEC. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system; such rules and regulations to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate.

"(b) The Director shall administer the system in accordance with such rules and regulations and with the principles established by this Act.

"(c) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C. 403(d)(3)), that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.) or any other provisions of law, any determinations by the Director authorized by the provisions of this Act shall be deemed to be final and conclusive and not subject to review by any court.

"ESTABLISHMENT AND MAINTENANCE OF FUND

"SEC. 202. There is hereby created a fund to be known as the Central Intelligence Agency Retirement and Disability Fund which shall be maintained by the Director. The Central Intelligence Agency Retirement and Disability Fund is referred to hereafter as the fund.

"PARTICIPANTS

"SEC. 203. The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system. Any participant who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying for the system may elect to remain a participant of such system for the duration of his employment by the Agency and such election shall not be subject to review or approval by the Director.

"ANNUITANTS

"SEC. 204. (a) Annuitants shall be participants who are receiving annuities from the fund and all persons, including surviving wives and husbands, widows, dependent widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act.

"(b) When used in this Act the term—

"(1) 'Widow' means the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by marriage to the participant.

"(2) 'Dependent widower' means the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by marriage to the participant, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

"(3) 'Child', for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless

of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild. [Amended Pub. L. 91-626, § 1, Dec. 31, 1970, 84 Stat. 1875].

"PART B—COMPULSORY CONTRIBUTIONS

"SEC. 211. (a) Seven per centum of the basic salary received by each participant shall be contributed to the fund for the payment of annuities, cash benefits, refunds and allowances. An equal sum shall also be contributed from the respective appropriation or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropriation or fund shall be deposited by the Agency to the credit of the fund.

"(b) Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the individual's salary. [Amended Pub. L. 91-185, § 1, Dec. 30, 1969, 83 Stat. 847. For effective date of amendment, see Effective Date of 1969 Amendments to Pub. L. 88-643 set out hereunder.]

"PART C—COMPUTATION OF ANNUITIES

"SEC. 221. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest three consecutive years of service (or, in the case of an annuity computed under section 232 and based on less than three years, over the total service), for which full contributions have been made to the fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 251 and 252. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

"(b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife or her husband, commencing on the date following such participant's death and terminating upon the death or upon remarriage prior to attaining age sixty of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 55 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to $3,600 he specified as the base for the survivor benefit plus 10 per centum of any amount over $3,600 so specified.

"(c)(1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to the smallest of: (1) 60 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) $900; or (iii) $2,700 divided by the number of children.

"(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of: (i) 75 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) $1,080; or (iii) $3,240 divided by the number of children.

"(d) If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant.

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 204(b)(3), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs.

"(f) Any unmarried participant retiring under the provisions of this Act and found by the Director to be in good health may at the time of retirement elect a reduced annuity, in lieu of the annuity as hereinbefore provided, and designate in writing a person having an insurable interest (as that term is used in section 9(h) of the Civil Service Retirement Act (5 U.S.C. 2259(h))) in the participant to receive an annuity after the participant's death. The annuity payable to the participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section, and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the participant, but such total reduction shall not exceed 40 per centum. The annuity of a survivor designated under this paragraph shall be 55 per centum of the reduced annuity computed as prescribed above.

"(g) In the case of remarriage on or after age sixty an annuity shall be payable if remarriage has occurred on or after July 18, 1966, and if the surviving wife or husband, immediately before such remarriage, was receiving an annuity from the Central Intelligence Agency Retirement and Disability Fund. The annuity of a surviving spouse terminated as a result of remarriage which occurred prior to age sixty and on or after July 18, 1966, shall be restored at the same rate commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

"(1) the surviving spouse elects to receive this annuity instead of a survivor benefit to which he may be entitled, under this or another retirement system for Government employees, by reason of the remarriage; and

"(2) any lump sum paid on termination of the annuity is returned to the fund.

No annuity shall be paid by reason of this paragraph for any period prior to October 20, 1969. No annuity shall be terminated solely by reason of the enactment of this paragraph.

"(h) In computing an annuity under this section the service credit of a participant who retires, except under section 231, on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by paragraph (a), the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average basic salary or annuity eligibility. The contribution specified in section 252 shall not be required for days of unusued sick leave credited under

this paragraph. [Amended Pub. L. 91-185, § 2, Dec. 30, 1969, 83 Stat. 847. For effective date of amendment, see Effective Date of 1969 Amendments to Pub. L. 88-643 set out hereunder.]

"(i) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service, or on the day after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

"(j) An annuity payable from the fund on or after date of enactment of this provision [Dec. 31, 1970] shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

"(k) The annuity computed under this section is reduced by 10 per centum of a special contribution described by section 252(b) remaining unpaid for civilian service for which retirement deductions have not been made, unless the participant elects to eliminate the service involved for the purpose of annuity computation. [Amended Pub. L. 91-626, §§ 2, 3, Dec. 31, 1970, 84 Stat. 1872].

"PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

"RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY

"SEC. 231. (a) Any participant who has five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with provisions of section 251 or 252(a)(2), and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Director, be retired on an annuity computed as prescribed in section 221. If the disabled or incapacitated participant is under sixty and has less than twenty years of service credit toward his retirement under the system at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and age sixty.

"(b) In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his grade as provided in section 235. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date his recovery is determined. Upon application the Director may reinstate any such recovered disability annuitant in the grade in which he was serving at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of his contemporaries in the Agency, appoint him to a grade higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

"(c) If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, he shall be considered to have been separated within the meaning of paragraphs (a) and (b) of section 234 as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or of section 241(a) except that he may elect voluntary retirement in accordance with the provisions of section 233 if he can qualify under its provisions.

"(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. Neither this provision nor any provision of the said Act of September 7, 1916, as amended, shall be so construed as to deny the right of any participant to receive an annuity under this Act by reason of his own services and to receive concurrently any payment under such Act of September 7, 1916, as amended, by reason of the death of any other person.

"(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this Act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 764), except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal employees' compensation fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this Act, which amount shall be transmitted to such Department for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding. [Amended Pub. L. 91-185, § 3, Dec. 30, 1969, 83 Stat. 848. For effective date of amendment, see Effective Date of 1969 Amendments to Pub. L. 88-643 set out hereunder.]

"DEATH IN SERVICE

"SEC. 232. (a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, his contributions to the fund, with interest at the rates prescribed in sections 241(a) and 281(a), shall be paid in the order of precedence shown in section 241(b).

"(b) If a participant, who has at least eighteen months of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a widow or a dependent widower, as defined in section 204, such widow or dependent widower shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (i) 40 per centum of the participant's average basic salary, or (ii) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between his age at the time of death and age sixty. The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death or upon remarriage prior to attaining age sixty of the widow or dependent widower (subject to the payment and restoration provisions of section 221(g)),

or upon the dependent widower's becoming capable of self-support.

"(c) If a participant who has at least eighteen months of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(1). The child's annuity shall begin and be terminated in accordance with the provisions of section 221(e). Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.

"(d) If a participant who has at least eighteen months of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(2). The child's annuity shall begin and terminate in accordance with the provisions of section 221(e). Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that child had never been entitled to the benefit. [Amended Pub. L. 91–185, § 4, Dec. 30, 1969, 83 Stat. 848. For effective date of amendment, see Effective Date of 1969 Amendments to Pub. L. 88–643 set out hereunder]

"VOLUNTARY RETIREMENT

"SEC. 233. Any participant in the system who is at least fifty years of age and has rendered twenty years of service may on his own application and with the consent of the Director be retired from the Agency and receive benefits in accordance with the provisions of section 221 provided he has not less than ten years of service with the Agency of which at least five shall have been qualifying service.

"DISCONTINUED SERVICE BENEFITS

"SEC. 234. (a) Any participant who separates from the Agency after having performed not less than five years of service with the Agency, may, upon separation from the Agency or at any time prior to becoming eligible for an annuity, elect to have his contributions to the fund returned to him in accordance with the provisions of section 241, or (except in cases where the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States) to leave his contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at the age of sixty-two years.

"(b) If a participant who has qualified in accordance with the provisions of paragraph (a) of this section to receive a deferred annuity commencing at the age of sixty-two dies before reaching the age of sixty-two his contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

"MANDATORY RETIREMENT

"SEC. 235. (a) The Director may in his discretion place in a retired status any participant who has completed at least twenty-five years of service, or who is at least fifty years of age and has completed at least twenty years of service, provided such participant has not less than ten years of service with the Agency of which at least five shall have been qualifying service. If so retired, such participant shall receive retirement benefits in accordance with the provisions of section 221.

"(b) Any participant in the system receiving compensation at the rate of grade GS–18 or above shall be automatically separated from the Agency upon reaching the age of sixty-five. Any participant in the system receiving compensation at a rate less than grade GS–18 shall be automatically separated from the Agency upon reaching the age of sixty. Such separation shall be effective on the last day of the month in which a participant reaches age sixty or sixty-five, as specified in this section, but whenever the Director shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. A participant separated under the provisions of this section who has completed five years of Agency service shall receive retirement benefits in accordance with the provisions of section 221 of this Act.

"LIMITATION ON NUMBER OF RETIREMENTS

"SEC. 236. The number of participants retiring on an annuity pursuant to sections 233, 234, and 235 of this Act shall not exceed a total of four hundred during the period ending on June 30, 1969, nor a total of eight hundred during the period beginning on July 1, 1969, and ending on June 30, 1974. [Amended Pub. L. 91–626, § 4, Dec. 31, 1970, 84 Stat. 1873].

"PART E—DISPOSITION OF CONTRIBUTIONS AND INTEREST IN EXCESS OF BENEFITS RECEIVED

"SEC. 241. (a) Whenever a participant becomes separated from the Agency without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded annually to December 31, 1956 (or, in the case of a participant separated from the Agency before he has completed five years of service, to the date of separation) and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 281, shall be returned to him.

"(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of section 281, with interest at the rates provided in paragraph (a) of this section added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

"(1) To the beneficiary or beneficiaries designated by such participant in writing to the Director;

"(2) If there be no such beneficiary to the surviving wife or husband of such participant;

"(3) If none of the above, to the child or children of such participant and descendants of deceased children by representation;

"(4) If none of the above, to the parents of such participant or the survivor of them;

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

"(6) If none of the above, to other next of kin of such participant as may be determined by the Director in his judgment to be legally entitled thereto.

"(c) No payment shall be made pursuant to paragraph (b)(6) of this section until after the expiration of thirty days from the death of the retired participant or his surviving annuitant.

"PART F—PERIOD OF SERVICE FOR ANNUITIES

"COMPUTATION OF LENGTH OF SERVICE

"SEC. 251. For the purposes of this Act, the period of service of a participant shall be computed from the date he becomes a participant under the provisions of this Act, but all periods of separation from the Agency and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

"PRIOR SERVICE CREDIT

"SEC. 252. (a) A participant may, subject to the provisions of this section, include in his period of service—

"(1) civilian service in the executive, judicial, and legislative branches of the Federal Government and in the District of Columbia government, prior to becoming a participant; and

"(2) active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States prior to the date of the separation upon which title to annuity is based.

"(b) A participant may obtain prior civilian service credit in accordance with the provisions of paragraph (a)(1) of this section by making a special contribution to the fund equal to the percentage of his basic annual salary for each year of service for which credit is sought specified with respect to such year in the table relating to employees contained in section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)), together with interest computed as provided in section 4(e) of such Act (5 U.S.C. 2254(e)). Any such participant may, under such conditions as may be determined in each instance by the Director, pay such special contributions in installments.

"(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(2) If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) to the fund on his behalf shall be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund of such other retirement system effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system.

"(3) No participants, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall be required to make contributions in addition to those transferred for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)) for contributions to the fund.

"(4) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall receive credit for periods of service for which a refund of contributions has been made, or for which no contributions were made to the other Government retirement fund. A participant may, however, obtain credit for such prior service by making a special contribution to the fund in accordance with the provisions of paragraph (b) of this section.

"(d) No participant may obtain prior civilian service credit toward retirement under the system for any period of civilian service on the basis of which he is receiving or will in the future be entitled to receive any annuity under another retirement system covering civilian personnel of the Government.

"(e) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a)(2) of this section by applying for it to the Director prior to retirement or separation from the Agency. However, in the case of a participant who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a)(2) of this section.

"(f) Notwithstanding any other provision of this section or section 253 any military service (other than military service covered by military leave with pay) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such participant or to his widow or child is to be based, if such participant or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors' benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such participant's wages and self-employment income. If in the case of the participant or widow such military service is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service upon which such annuity is based shall be redetermined, effective as of the first day of the month in which he or she attains such age, so as to exclude such service.

"(g) For the purpose of survivor annuity, special contributions authorized by paragraph (b) of this section may also be made by the survivor of a participant. [Amended Pub. L. 91-626, §§ 5, 6, Dec. 31, 1970, 84 Stat. 1872]."

"CREDIT FOR SERVICE WHILE ON MILITARY LEAVE

"SEC. 253. (a) A participant who, during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service shall not be considered, for the purposes of this Act, as separated from his Agency position by reason of such military service, unless he shall apply for and receive a refund of contributions under this Act: *Provided*, That such participant shall not be considered as retaining his Agency position beyond December 31, 1956, or the expiration of five years of such military service, whichever is later.

"(b) Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

"PART G—MONEYS

"ESTIMATE OF APPROPRIATIONS NEEDED

"SEC. 261. The Director shall prepare the estimates of the annual appropriations required to be made to the fund, and shall cause to be made actuarial valuations of the fund at intervals of five years, or oftener if deemed necessary by him.

"INVESTMENT OF MONEYS IN THE FUND

"SEC. 262. The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

"ATTACHMENT OF MONEYS

"SEC. 263. None of the moneys mentioned in this Act shall be assignable either in law or equity, or be subject

to execution, levy, attachment, garnishment, or other legal process.

"PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY, OR REEMPLOYED IN THE GOVERNMENT

"RECALL

"SEC. 271. (a) The Director may, with the consent of any retired participant, recall such participant to duty in the Agency whenever he shall determine such recall is in the public interest.

"(b) Any such participant recalled to duty in the Agency in accordance with the provisions of paragraph (a) of this section or reinstated or reappointed in accordance with the provisions of section 231(b) shall, while so serving, be entitled in lieu of his annuity to the full salary of the grade in which he is serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 211. When he reverts to his retired status, his annuity shall be determined anew in accordance with the provisions of section 221.

"REEMPLOYMENT

"SEC. 272. Notwithstanding any other provision of law, a participant retired under the provisions of this Act shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

"REEMPLOYMENT COMPENSATION

"SEC. 273. (a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive his annuity payable under this Act, but there shall be deducted from his salary a sum equal to the annuity allocable to the period of actual employment.

"(b) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed annuitant, or from any other moneys, including his annuity, payable in accordance with the provisions of this Act.

"PART I—VOLUNTARY CONTRIBUTIONS

"SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

"(1) returned to him in lump sum;

"(2) used to purchase an additional life annuity;

"(3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Director by the participant; or

"(4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Director by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in subparagraph (3) above.

"(b) The benefits provided by subparagraphs (2), (3), or (4) of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by subparagraph (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

"(c) In case a participant shall become separated from the Agency for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in paragraph (a) of this section, made by him under the provisions of said paragraph (a) shall be refunded in the manner provided in section 241 for the return of contributions and interest in the case of death or separation from the Agency.

"(d) Any benefits payable to a participant or to his beneficiary in respect to the additional deposits provided under this section shall be in addition to the benefits otherwise provided under this Act.

"PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

"SEC. 291. (a) On the basis of determinations made by the Director pertaining to per centum change in the Price Index, the following adjustments shall be made:

"(1) Each annuity payable from the fund on January 1, 1967, shall be increased on that date by (a) 12.4 per centum for annuities which commence on or before January 1, 1966, or (b) 4.9 per centum for annuities which commence on or between January 2, 1966, and January 1, 1967.

"(2) Each month beginning with November 1966, the Director shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from its commencement date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commences the day after annuitant's death and after January 1, 1967, shall be increased by the total per centum increase the annuitant was receiving under this section at death; or if death occurred between January 1, 1967, and date of enactment, the per centum increase the annuitant would have received.

"(2) For the purpose of computing the annuity of a child under section 221(c) that commences after October 31, 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 221(c) shall be increased by the total per centum increases allowed and in force under this section on or after such day, and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in section 221(c) shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day.

"(3) The annuity of each surviving child receiving an annuity under section 221 immediately prior to November 1, 1969, shall be recomputed effective November 1, 1969, in accordance with paragraph (b)(2). No increase allowed and in force prior to such date under section 291 shall be included in the recomputation of any such annuity, and this paragraph shall not operate to reduce any annuity.

"(c) Any annuity increased under this section shall be decreased by the amount of increase in force and effect with respect to that annuity under section 291 prior to the date of enactment of this subsection.

"(d) The term 'price index' shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month of October 1966 for the first increase under section 291(a)(2) and thereafter the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase.

"(e) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(f) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall, after adjustment, reflect an increase of at least $1 [Amended Pub. L. 90–539, Sept. 30, 1968, 82 Stat. 902; Pub. L. 91–185, § 5, Dec. 30, 1969, 83 Stat. 849 For effective date of 1969

amendment, see Effective Date of 1969 Amendments to Pub. L. 88–643 set out hereunder.]"

EFFECTIVE DATE OF 1969 AMENDMENTS TO PUB. L. 88–643

Pub. L. 91–185, § 6, Dec. 30, 1969, 83 Stat. 849, provided that:

"(a) The amendments made by section 1 [amending section 211(a) of Pub. L. 88–643] shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

"(b) The amendments made by sections 3, 4 [respectively amending sections 231(a) and 232(h) of Pub. L. 88–643], and 2 [amending section 221 of Pub. L. 88–643, and adding new pars. (g) and (h) at the end thereof], with the exception of 2(c) [amending subsec. (c) thereof], shall become effective October 20, 1969.

"(c) The amendments made by sections 2(c) and 5 [amending sections 221(c) and 291 of Pub. L. 88–643] shall become effective November 1, 1969.

"(d) The amendments made by sections 2(a), 2(e), 3, and 4(a)(1)–(2) [amending section 221(a), adding section 221(h), and amending sections 231(a) and 232(b) of Pub. L. 88–643] shall not apply in the cases of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted."

COMMUNICATION OF RESTRICTED DATA

Authorization for the communication of Restricted Data by the Central Intelligence Agency, see Ex. Ord. No. 10899, Dec. 9, 1960, 25 F.R. 12729, set out as a note under section 2162 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 10656

Ex. Ord. No. 10656, Feb. 6, 1956, 21 F.R. 859, which established the President's Board of Consultants on Foreign Intelligence Activities, was revoked by Ex. Ord. No. 10938, May 4, 1961, 26 F.R. 3951, set out as a note under this section.

EXECUTIVE ORDER NO. 10938

Ex. Ord No. 10938, May 4, 1961, 26 F.R. 3951, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex. Ord. No. 11460, Mar. 20, 1969, 34 F.R. 5535, set out as a note under this section.

EX. ORD. NO. 11460. PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

Ex. Ord. No. 11460, Mar. 20, 1969, 34 F.R. 5535, provided:

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Foreign Intelligence Advisory Board, hereinafter referred to as "the Board". The Board shall:

(1) advise the President concerning the objectives, conduct, management and coordination of the various activities making up the overall national intelligence effort;

(2) conduct a continuing review and assessment of foreign intelligence and related activities in which the Central Intelligence Agency and other Government departments and agencies are engaged;

(3) receive, consider and take appropriate action with respect to matters identified to the Board, by the Central Intelligence Agency and other Government departments and agencies of the intelligence community, in which the support of the Board will further the effectiveness of the national intelligence effort; and

(4) report to the President concerning the Board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the Government's foreign intelligence effort in meeting national intelligence needs.

SEC. 2. In order to facilitate performance of the Board's functions, the Director of Central Intelligence and the heads of all other departments and agencies shall make available to the Board all information with respect to foreign intelligence and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order. Such information made available to the Board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations.

SEC. 3. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of knowledge and experience in matters relating to the national defense and security, or possessing other knowledge and abilities which may be expected to contribute to the effective performance of the Board's duties. The members of the Board shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter.

SEC. 4. The Board shall have a staff headed by an Executive Secretary, who shall be appointed by the President and shall receive such compensation and allowances, consonant with law, as may be prescribed by the Board. The Executive Secretary shall be authorized, subject to the approval of the Board and consonant with law, to appoint and fix the compensation of such personnel as may be necessary for performance of the Board's duties.

SEC. 5. Compensation and allowances of the Board, the Executive Secretary, and members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, Public Law 90–350, 82 Stat. 195, and, to the extent permitted by law, from any corresponding appropriation which may be made for subsequent years. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 6. Executive Order No. 10938 of May 4, 1961, is hereby revoked.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403g of this title; title 5 section 5727; title 26 section 912; title 42 section 2162.

§ 403a. Same; definitions.

When used in sections 403b, 403c, 403e to 403h, and 403j of this title, the term—

(a) "Agency" means the Central Intelligence Agency;

(b) "Director" means the Director of Central Intelligence;

(c) "Government agency" means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. (June 20, 1949, ch. 227, § 1, 63 Stat. 208; Sept. 6, 1960, Pub. L. 86–707, title V, § 511(a)(3), (c)(1), 74 Stat. 800, 801.)

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

AMENDMENTS

1960—Subsec. (c). Pub. L. 86–707, § 511(c)(1), substituted "Government." for "Government; and".

Subsec. (d). Pub. L. 86–707, § 511(a)(3), repealed former subsec. (d), which defined "continental United States", and is now covered by section 3032 of Title 5, Executive Departments and Government Officers and Employees.

SHORT TITLE

Act June 20, 1949, § 10, formerly § 12, 63 Stat. 212, renumbered July 7, 1958, Pub. L. 85–507, § 21(b)(2), 72 Stat. 337, provided that Act June 20, 1949, which is classified to sections 403a—403j of this title, should be popularly known as the "Central Intelligence Agency Act of 1949".

SEPARABILITY OF PROVISIONS

Act June 20, 1949, § 9, formerly § 11, 63 Stat. 212, renumbered July 7, 1958, Pub. L. 85–507, § 21(b)(2), 72 Stat. 337, provided that: "If any provision of this Act

[sections 403a—403j of this title], or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act [said sections] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403e, 403f of this title and title 5 section 5363.

§ 403b. Same; seal of office.

The Director of Central Intelligence shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and judicial notice shall be taken thereof. (June 20, 1949, ch. 227, § 2, 63 Stat. 208.)

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e, 403f of this title and title 5 section 5363.

§ 403c. Same; procurement authority.

(a) In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 151 (c) (1)—(6), (10), (12), (15), (17), 155 and 159 of Title 41.

(b) In the exercise of the authorities granted in subsection (a) of this section, the term "Agency head" shall mean the Director, the Deputy Director, or the Executive of the Agency.

(c) The determinations and decisions provided in subsection (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

(d) The power of the Agency head to make the determinations or decisions specified in sections 151 (c) (12), (15), and 154 (a) of Title 41 shall not be delegable. Each determination or decision required by sections 151 (c) (12), (15), 153, or 154 (a) of Title 41, shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six years following the date of the determination. (June 20, 1949, ch. 227, § 3, 63 Stat. 208.)

REFERENCES IN TEXT

Sections 151(c) (1)—(6), (10), (12), (15), (17), 153, 154(a), 155, and 159 of Title 41, referred to in subsec. (a) and (d), were repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and are now covered by section 2301 et seq. of Title 10, Armed Forces.

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e, 403f of this title and title 5 section 5363.

§ 403d. Repealed. Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337.

Section, act June 20, 1949, ch. 227, § 4, 63 Stat. 208, related to education and training of officers and employees, and is now covered by section 4101 et seq. of Title 5, Government Organization and Employees.

§ 403e. Central Intelligence Agency; travel, allowance, and related expenses.

Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, shall—

(1) (A) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of sections 403a to 403c, 403e to 403h, and 403j of this title or any other Act;

(C) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside;

(D) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(E) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure, from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and in connection with separation of an officer or employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects

stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law.

(F) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Charge expenses in connection with travel of personnel, their dependents, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year, or the travel and transfer orders may have been issued during the prior fiscal year.

(3) (A) Order to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency) who was a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter.

(B) While in the United States (as described in paragraph (3) (A) of this section) on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe; and the time of such work or duty shall not be counted as leave.

(C) Where an officer or employee on leave returns to the United States (as described in paragraph (3) (A) of this section), leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the United States (as so described) and such time as may be necessarily occupied in awaiting transportation.

(4) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation. Not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this paragraph during any four-year period, except that, as a replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period upon approval, in advance, by the Director and upon a determination, in advance, by the Director that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government. After the expiration of a period of four years following the date of transportation under authority of this paragraph of a privately owned motor vehicle of any officer or employee who has remained in continuous service outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, during such period, the transportation of a replacement for such motor vehicle for such officer or employee may be authorized by the Director in accordance with this paragraph.

(5) (A) In the event of illness or injury requiring the hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means he shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 73b of Title 5, to the nearest locality where a suitable hospital or clinic exists and on his recovery pay for the travel expenses of his return to his post of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

(B) Establish a first-aid station and provide for the services of a nurse at a post at which, in his opinion, sufficient personnel is employed to warrant such a station: *Provided,* That, in his opinion, it is not feasible to utilize an existing facility;

(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(D) Provide for the periodic physical examination of officers and employees of the Agency and for the cost of administering inoculation or vaccinations to such officers or employees.

(6) Pay the costs of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to his home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station.

(7) Pay the costs of travel of new appointees and their dependents, and the transportation of their household goods and personal effects, from places of actual residence in foreign countries at

time of appointment to places of employment and return to their actual residences at the time of appointment or a point not more distant: *Provided,* That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States. any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

(June 20, 1949, ch. 227, § 4, formerly § 5, 63 Stat. 209, renumbered July 7, 1958, Pub. L. 85-507, § 21(b)(2), 72 Stat. 337, and amended Sept. 9 1960, Pub. L. 86-707, title III, §§ 301(b), 323, title V, § 511 (a)(3), (c)(2—5), 74 Stat. 795, 798, 800, 801.)

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

AMENDMENTS

1960—Pub. L. 86-707, § 323(a), substituted "duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia" for "permanent-duty stations outside the continental United States, its territories, and possessions" in the opening provisions, and eliminated the designation subsec. (a).

Par. (1)(A). Pub. L. 86-707, § 511(c)(2), substituted "pursuant to authorized home leave" for "pursuant to orders issued by the Director in accordance with the provisions of subsection (a)(3) of this section with regard to the granting of home leave."

Par. (1)(D). Pub. L. 86-707, § 301(b), authorized payment of the cost of packing and unpacking and transporting to and from a place of storage, extended the authority to pay storage costs for an officer or employee assigned to a post to which he cannot take or at which he is unable to use his furniture and household personal effects by eliminating provisions which restricted such payment only to cases where an emergency exists, empowered the Director to pay storage costs when it is in the public interest or more economical to authorize storage, and limited the weight or volume of the effects stored or the weight or volume of the effects transported to not more than the maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (1)(E). Pub. L. 86-707, § 301(b), authorized payment of the cost of packing and unpacking and transporting to and from a place of storage, permitted payment from the date of departure from the officer's or employee's last post or from the date of departure from the place of residence in the case of a new officer or employee, empowered the Director to pay the storage costs in connection with the separation of an officer or employee from the Agency, and limited the weight or volume of the effects stored or the weight or volume of the effects transported to not more than the maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (3)(A). Pub. L. 86-707, § 511(c)(3), substituted "to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who was a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter" for "to the United States or its Territories and possessions on leave provided for in sections 30-30b of Title 5, or as such sections may hereafter be amended, every officer and employee of the agency who was a resident of the United States or it Territories and possessions at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter: Provided, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a thirty-day period."

Par. (3)(B). Pub. L. 86-707, § 511(c)(4), substituted "United States (as described in paragraph (3)(A) of this section) on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe" for "continental United States on leave, the service of any officer or employee shall not be available for work or duties except in the agency or for training or for reorientation for work."

Par. (3)(C). Pub. L. 86-707, § 511(c)(5), substituted "returns to the United States (as described in paragraph (3)(A) of this section)" for "returns to the United States or its Territories and possessions", and "from the United States (as so described)" for "from the United States or its Territories and possessions."

Par. (4). Pub. L. 86-707, § 323(b), limited the transportation of motor vehicles to one for any officer or employee during any four-year period, and empowered the Director to approve the transportation of one additional motor vehicle for replacement either during the four-year period or after the expiration of four years following the date of transportation of a motor vehicle of any officer or employee who has remained in continuous service outside the several States, excluding Alaska and Hawaii, but including the District of Columbia, for such period.

Pub. L. 86-707, § 511(a)(3), repealed former subsec. (b), which authorized the Director to grant allowances in accordance with the provisions of section 1131 (1), (2) of Title 22, and is now covered by pars. (1)(D) and (1)(E) of this section.

CLARIFICATION OF TERM "FURNITURE AND HOUSEHOLD AND PERSONAL EFFECTS"

For clarification of the term "furniture and household and personal effects" as used in the amendment of pars. (1)(D) and (1)(E) of this section by Pub. L. 86-707, see section 301(d) of Pub. L. 86-707, set out as a note under section 1136 of Title 22, Foreign Relations and Intercourse.

EX. ORD. NO. 10100. REGULATIONS GOVERNING GRANTING OF ALLOWANCES

Ex. Ord. No. 10100, Jan. 28, 1950, 15 F. R. 499, provided:

By virtue of and pursuant to the authority vested in me by section 5 (b) of the Central Intelligence Agency Act of 1949, approved June 20, 1949 (Public Law 110, 81st Congress) [this section], and as President of the United States, I hereby prescribe the following regulations:

1. The allowances granted by the Director of Central Intelligence under section 5 (b) of the Central Intelligence Agency Act of 1949 [this section] shall conform to the allowances granted by the Secretary of State in accordance with the regulations prescribed by him pursuant to section 901 (1) and 901 (2) of the Foreign Service Act of 1946 [section 1131 (1) and (2) of Title 22] and Executive Order No. 10011 of October 22, 1948, as to places or cities with respect to which such regulations are applicable; and as to places or cities with respect to which such regulations are not applicable, the allowances granted by the Director shall conform, so far as practicable, to the general standards and rates contained in the said regulations of the Secretary of State.

2. The Director of Central Intelligence may prescribe such further regulations as he may deem necessary to effectuate the purposes of this order.

3. This order shall be effective as of June 20, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403f of this title and title 5 sections 5363 and 5727.

§ 403f. Same; general authorities of Agency.

In the performance of its functions, the Central Intelligence Agency is authorized to—

(a) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under sections 403 and 405 of this title, and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of sections 403a to 403c, 403e to 403h, and 403j of this title without regard to limitations of appropriations from which transferred;

(b) Exchange funds without regard to section 543 of Title 31;

(c) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(d) Authorize couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;

(e) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended: *Provided,* That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities. (June 20, 1949, ch. 227, § 5, formerly § 6, 63 Stat. 211; June 26, 1951, ch. 151, 65 Stat. 89; renumbered July 7, 1958, Pub. L. 85–507, § 21(b)(2), 72 Stat. 337, and amended Aug. 19, 1964, Pub. L. 88–448, title IV, § 402 (a)(28), 78 Stat. 494; 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. —.)

REFERENCES IN TEXT

The act of June 30, 1932, as amended, referred to in subsec. (e), is the Legislative Branch Appropriation Act, 1933, act June 30, 1932, ch. 314, 47 Stat. 382, and is classified to section 303b of Title 40, Public Buildings, Property, and Works.

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

AMENDMENTS

1964—Subsec. (f). Pub. L. 88–448 repealed subsec. (f), which authorized the employment of not more than fifteen retired officers who must elect between civilian salary and retired pay. See section 3101 et seq. of Title 5, Executive Departments and Government Officers and Employees.

1951—Subsec. (f). Act June 26, 1951, added subsec. (f).

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of section by Pub. L. 88–448 effective on the first day of the first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e of this title and title 5 section 5363.

§ 403g. Same; protection of nature of Agency's functions.

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403 (d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided,* That in furtherance of this section, the Director of the Office of Management and Budget shall make no reports to the Congress in connection with the Agency under section 947(b) of Title 5. (June 20, 1949, ch. 227, § 6, formerly § 7, 63 Stat. 211, renumbered July 7, 1958, Pub. L. 85–507, § 21(b)(2), 72 Stat. 337; 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. —.)

REFERENCES IN TEXT

Sections 654 and 947(b) of Title 5, referred to in the text, were repealed, respectively, by act Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843, and Pub. L. 86–626, title I, § 101, July 12, 1960, 74 Stat. 427.

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e, 403f of this title and title 5 section 5363.

§ 403h. Same; admission of essential aliens; limitation on number.

Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided,* That the number of aliens and members of their immediate families entering

the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year. (June 20, 1949, ch. 227, § 7, formerly § 8, 63 Stat. 212, renumbered July 7, 1958, Pub. L. 85-507, § 21(b)(2), 72 Stat. 337.)

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e, 403f of this title and title 5 section 5363.

§ 403i. Repealed. Sept. 1, 1954, ch. 1208, title VI, § 601 (b), 68 Stat. 1115.

Section, acts June 20, 1949, ch. 227, § 9, 63 Stat. 212; Aug. 16, 1950, ch. 719, 64 Stat. 450, related to establishment of positions in the professional and scientific field.

§ 403j. Central Intelligence Agency; appropriations; expenditures.

(a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including—

(1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by section 150 of Title 5; rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without regard to the provisions of section 14 of Title 6; payment of claims pursuant to Title 28; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to sections 259 and 267 of Title 40; repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; and

(2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified. (June 20, 1949, ch. 227, § 8, formerly § 10, 63 Stat. 212, renumbered July 7, 1958, Pub. L. 85-507, § 21(b)(2), 72 Stat. 337.)

REFERENCES IN TEXT

Sections 259 and 267 of Title 40, referred to in text, was repealed by Pub. L. 86-249, § 17(12), Sept. 9, 1959, 73 Stat. 485. See chapter 12 of Title 40, Public Buildings, Property and Works.

CODIFICATION

Section was not enacted as a part of the National Security Act of 1947 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403e, 403f of this title and title 5 section 5363.

§ 404. Office of Emergency Preparedness.

(a) Employment of personnel.

The Director of the Office of Emergency Preparedness, subject to the direction of the President, is authorized, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5, to appoint and fix the compensation of such personnel as may be necessary to assist him in carrying out his functions.

(b) Functions.

It shall be the function of the Director of the Office of Emergency Preparedness to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

(c) Utilization of Government resources and facilities.

In performing his functions, the Director of the Office of Emergency Preparedness shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government. (July 26, 1947, ch. 343, title I, § 103, 61 Stat. 499; Oct. 15, 1949, ch. 695, § 3, 63 Stat. 880; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; 1950 Rorg. Plan No. 25, § 1, eff. July 9, 1950, 15 F.R. 4366, 64 Stat. 1280; Sept. 3, 1954, ch. 1263, § 50, 68 Stat. 1244.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are classified to Title 5, Government Organization and Employees.

AMENDMENTS

1954—Act Sept. 3, 1954, eliminated former subsec. (a) relating to establishment of National Security Resources Board, and to reletter former subsecs. (b)—(d) to be subsecs. (a)—(c).

1949—Former subsec. (a). Act Oct. 15, 1949, increased compensation of former Chairman of the National Security Resources Board from $14,000 to $17,500 per annum.

Former subsec. (b). Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923, as amended", which, for purposes of codification, has been translated as "chapter 51 and subchapter III of chapter 53 of Title 5".

CHANGE OF NAME

In former subsecs. (b)—(d), "Board" was changed to "Chairman of the Board" and "its" to "his" by 1950 Reorg. Plan No. 25, set out as a note under this section.

TRANSFER OF FUNCTIONS

"Office of Emergency Preparedness" has been substituted for "National Security Resources Board", as originally enacted, pursuant to Reorg. Plan No. 3 of 1953, 18 F.R. 3375, 67 Stat. 634 and Reorg. Plan No. 1 of 1958, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, set out in the Appendix to Title 5, Government Organization and Employees; Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 681; Pub. L. 87-296, Sept. 22, 1961, 75 Stat. 630; Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, which changed the name of the office, consecutively, to the Office of Defense Mobilization, the Office of Civil and Defense Mobilization, Office of Emergency Planning, and Office of Emergency Preparedness. See notes below.

All functions of the Director of the Office of Defense Mobilization were transferred to the Director of the Office of Civil and Defense Mobilization, and the offices of the Director and Deputy Director of the Office of Defense Mobilization were abolished, by 1958 Reorg. Plan No. 1, as amended by Pub. L. 85-763, Aug. 26, 1958. 72 Stat. 681; Pub. L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Planning in the Executive Office of the President by section 2 of 1958 Reorg. Plan No. 1.

OFFICE OF EMERGENCY PLANNING

Section 2 of Pub. L. 87-296, Sept. 22, 1961, 75 Stat. 630, provided that: "Any reference in any other law to the Office of Civil and Defense Mobilization shall, after the date of this Act [Sept. 22, 1961], be deemed to refer to the Office of Emergency Planning."

OFFICE OF EMERGENCY PREPAREDNESS

The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

1950 REORGANIZATION PLAN NO. 25

Eff. July 9, 1950, 15 F. R. 4366, 64 Stat. 1280

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 9, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

NATIONAL SECURITY RESOURCES BOARD

§ 1. FUNCTIONS OF CHAIRMAN AND OF BOARD

The functions of the National Security Resources Board are hereby transferred to the Chairman of the National Security Resources Board, and the Board shall hereafter advise and consult with the Chairman with respect to such matters within his jurisdiction as he may request.

§ 2. VICE CHAIRMAN

There is hereby established the office of Vice Chairman of the National Security Resources Board. Such Vice Chairman shall (1) be an additional member of the National Security Resources Board, (2) be appointed from civilian life by the President, by and with the advice and consent of the Senate, (3) receive compensation at the rate of $16,000 per annum, and (4) perform such of the duties of the Chairman as the Chairman shall designate.

§ 3. PERFORMANCE OF FUNCTIONS OF CHAIRMAN

The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the National Security Resources Board of any function of the Chairman.

REORGANIZATION PLAN NO. 3 OF 1953

18 F. R. 3375, 67 Stat. 634

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 2, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended.

OFFICE OF DEFENSE MOBILIZATION

§ 1. ESTABLISHMENT OF OFFICE

(a) There is hereby established in the Executive Office of the President a new agency which shall be known as the Office of Defense Mobilization, hereinafter referred to as the Office.

(b) There shall be at the head of the Office a Director of the Office of Defense Mobilization, hereinafter referred to as the Director, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $22,500 per annum.

(c) There shall be in the Office a Deputy Director of the Office of Defense Mobilization, who shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate of $17,500 per annum, shall perform such functions as the Director shall designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

§ 2. TRANSFER OF FUNCTIONS

There are hereby transferred to the Director:

(a) All functions of the Chairman of the National Security Resources Board, including his functions as a member of the National Security Council, but excluding the functions abolished by section 5 (a) of this reorganization plan.

(b) All functions under the Strategic and Critical Materials Stock Piling Act, as amended [section 98 et seq. of this title], vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions which were vested in the Army and Navy Munitions Board by the item No. (2) in section 6 (a) of the said act (60 Stat. 598) [section 98e(a)(2) of this title], but excluding functions vested in the Secretary of the Interior by section 7 of said act [section 98f of this title].

(c) The functions vested in the Munitions Board by section 4 (h) of the Commodity Credit Corporation Charter Act, as amended [section 714b (h) of Title 15], and by section 204 (e) of the Federal Property and Administrative Services Act of 1949 [section 485 (c) of Title 40].

(d) All functions now vested by any statute in the Director of Defense Mobilization or in the Office of Defense Mobilization provided for in Executive Order No. 10193 (15 F. R. 9031) [set out as a note under section 2153 of Appendix to this title].

§ 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

(a) The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Office, of any function of the Director, exclusive of the function of being a member of the National Security Council.

(b) When authorized by the Director, any function transferred to him by the provisions of this reorganization plan (exclusive of the function of being a member of the National Security Council) may be performed by the head of any agency of the executive branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate.

(c) In addition to the representatives who by virtue of the last sentence of section 2 (a) of the Strategic and Critical Materials Stock Piling Act, as amended [section 98a (a) of this title], and section 2 of this reorganization plan are designated to cooperate with the Director, the Secretary of Defense, the Secretary of the Interior, and the heads of such other agencies having functions regarding strategic or critical materials as the Director shall from time to time designate, shall each designate representatives who shall similarly cooperate with the Director.

§ 4. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

There shall be transferred with the functions transferred by this reorganization plan from the Chairman of the National Security Resources Board and the Department of Defense, respectively, so much of the records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, used, held, employed, available, or to be made available in connection with the said functions, as the Director shall determine to be required for the performance of the transferred functions by the Office, but all transfers from the Department of Defense under the foregoing provisions of this section shall be subject to the approval of the Secretary of Defense.

§ 5. ABOLITION OF FUNCTIONS

(a) The functions of the Chairman of the National Security Resources Board under section 18 of the Universal Military Training and Service Act [section 468 of Appendix to this title], as affected by Reorganization Plan No. 25 of 1950 (64 Stat. 1280) [set out as a note under this section], with respect to being consulted by and furnishing advice to the President as required by that section, are hereby abolished.

(b) So much of the functions of the Secretary of Defense under section 202 (b) of the National Security Act of 1947, as amended, as consists of direction, authority, and control over functions transferred by this reorganization plan is hereby abolished.

(c) Any functions which were vested in the Army and Navy Munitions Board or which are vested in the Munitions Board with respect to serving as agent through which the Secretaries of the Army, Navy, Air Force, and Interior jointly act, under section 2 (a) of the Strategic and Critical Materials Stock Piling Act, as amended, are hereby abolished.

SEC. 6. ABOLITION OF NATIONAL SECURITY RESOURCES BOARD

The National Security Resources Board (established by the National Security Act of 1947, 61 Stat. 499 [this section]), including the offices of Chairman and Vice-Chairman of the National Security Resources Board, is hereby abolished, and the Director shall provide for winding up any outstanding affairs of the said Board or offices not otherwise provided for in this reorganization plan.

ABOLITION OF BOARD

Section 6 of 1953 Reorg. Plan No. 3, eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out as a note under this section, abolished the National Security Resources Board established by this section. Section 2(a) of that Plan transferred, with certain exceptions, the functions of the Chairman of the Board to the Director of the Office of Defense Mobilization.

EXECUTIVE ORDER NO. 10438

Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491, which related to the transfer of functions to the Director of Defense Mobilization, was superseded by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, set out as a note under section 2271 of this Appendix to this title.

EX. ORD. NO. 10421. PHYSICAL SECURITY OF DEFENSE FACILITIES

Ex. Ord. No. 10421, Dec. 31, 1952, 18 F. R. 57, as amended by Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, provided:

SECTION 1. As used in the following sections of this order:

(a) The word "facilities" means those Government-owned and privately-owned plants, mines, facilities (including buildings occupied in whole or in part by any Federal agency), materials, products, and processes, and those Government-provided and privately-provided services, which are of importance to defense mobilization, defense production, or the essential civilian economy and are located or provided in the continental United States or in the Territories or possessions of the United States: *Provided,* That the Director of the Office of Emergency Planning may, upon proper notice to affected Federal agencies, from time to time amend the foregoing definition of "facilities," with respect to any or all parts of this order, as he shall deem to be compatible with the purposes of this order.

(b) The term "physical security" means security against sabotage, espionage, and other hostile activity and other destructive acts and omissions, but excludes security attributable to operations of military defense or combat and excludes also activities with respect to the dispersal and post-attack rehabilitation of facilities.

(c) The word "Director" means the Director of the Office of Emergency Planning.

SEC. 2. With a view toward the maintenance of essential production and the security of the United States, to the extent permitted by law, and subject to the provisions of this order, Federal agencies shall develop and execute programs and measures for the physical security of facilities within the cognizance of such agencies, respectively.

SEC. 3. (a) In addition to carrying out the functions conferred upon him by law, the Director shall supervise and bring into harmonious action the programs and measures referred to in section 2 of this order.

(b) More particularly, the Director shall from time to time:

(1) Prescribe policies and programs governing the activities of Federal agencies with respect to the physical security of facilities, including the activities involved in carrying out section 4 (a) hereof (respecting security ratings).

(2) With the advice and assistance of appropriate Federal agencies, develop and promulgate standards of physical security to be applicable to facilities, which standards shall as far as practicable accommodate differences in degrees and types of physical security required, different categories of facilities, different security ratings, and such other considerations as may be pertinent.

(3) Assign facilities to Federal agencies, insofar as deemed practicable by the Director on the basis of the interests and general cognizance of agencies, for the performance by such agencies of the following functions, subject to the direction of the Director: (A) the furnishing of advice to the management or owner of a facility with respect to developing and administering the physical security program thereof; (B) in consultation with the management or owner of a facility and with other technically qualified persons, the development of physical security measures for such facility and, when necessary, the authorization of standards of physical security therefor which differ from the standards prescribed under section 3 (b) (2) hereof; (C) such supervision as may be appropriate of the application of physical security measures to assigned facilities; (D) the furthering, by other measures designated by the Director, of the physical security of assigned facilities; and (E) the appraisal

of the adequacy and efficiency of the physical security measures taken.

(4) Approve or revise security ratings established under section 4 (a) hereof and transmit the security ratings so approved or revised to agencies assigned facilities under section 3 (b) (3) hereof. The Chairman may make any approved or revised security rating available to Federal agencies other than the agency to which a facility concerned is assigned, for such uses related to the maintenance of production or the national security as the Chairman may approve.

(5) Review the physical security programs and measures of Federal agencies as to effectiveness and as to conformity with the policies and directives of the Chairman under this order.

(6) Obtain from Federal agencies reports, recommendations, and information deemed by the Chairman to be essential to the discharge of his responsibilities under this order.

(7) Consult with Federal agencies having responsibilities related to functions set forth in this order, for the purpose of furthering coordination of policies and activities; and develop, and report to the President concerning, programs which properly relate the physical security of facilities and other measures designed to maintain and restore essential productive capability.

(8) Make available, or cause to be made available, to Federal agencies such of the information developed in connection with carrying out section 4 (a) hereof as the Chairman deems to be needed by those agencies in connection with the physical security of facilities or other aspects of the maintenance of production.

(9) Keep the President informed as may be necessary concerning the matters encompassed by this order and furnish him such recommendations as may be appropriate, including recommendations as to actions necessary to strengthen the program provided for in this order.

(10) Consistent with law, establish such advisory bodies as the Chairman may deem necessary to assist him in carrying out his functions under this order.

SEC. 4. (a) The Secretary of Commerce shall from time to time establish and transmit to the Director security ratings of facilities, based on the relative importance thereof to defense mobilization, defense production, and essential civilian economy.

(b) In carrying out section 4 (a) hereof, the Secretary of Commerce shall consult with Federal agencies as may be appropriate.

(c) To the extent necessary for the performance of functions under section 4 (a) hereof, Federal agencies which have, or can best obtain, data on plant locations, plant capacities, production, service industries, technical processes, and production requirements, and other similar information shall make available to the Secretary of Commerce such data and information. In the event of any disagreement with respect to making data or information available under this section 4 (c), the Director shall resolve such disagreement and the decision of the Director shall be final.

(d) The Industry Evaluation Board is continued and shall, to such extent and in such manner as the Secretary of Commerce may direct, assist the Secretary in carrying out the functions of the Secretary under section 4 (a) hereof. The Secretary, with the approval of the Director, may from time to time alter the composition of the said Board. There is hereby terminated the now-existing Presidentially approved assignment of functions to the said Board.

SEC. 5. Each Federal procurement agency which obtains in connection with its procurement contracts agreements requiring contractors to provide physical security measures for their facilities shall provide in such agency for the review of such agreements. The purpose of such review shall be to assure conformity of the physical security measures required by the agreements with the standards prescribed under section 3 (b) (2) hereof.

SEC. 6. (a) The Facilities Protection Board is transferred to the jurisdiction of the Director. Existing arrangements concerning the physical location of and administrative support for the Board may be continued.

(b) The Facilities Protection Board shall hereafter consist of one representative of each of the following agencies, namely, the Departments of Defense, Commerce, Interior, and Labor, the Atomic Energy Commission, the Office of Emergency Planning, and such other agencies as the Director may from time to time designate. Each such representative shall be designated by the head of the agency he is to represent. Each person who is now a member of the Board may continue as a member without the necessity of redesignation by reason of this order. The Director of the Office of Emergency Planning shall from time to time designate from among the members of the Board a Chairman of the Facilities Protection Board.

(c) The Board shall assist and advise the Director in carrying out the functions vested in him by this order. There is hereby terminated the now-existing Presidentially approved assignment of functions to the Board.

SEC. 7. (a) The programs and measures provided for in this order with respect to the physical security of facilities shall be supplementary to, and not in substitution for, similar or related activities carried on by state and local authorities and by private enterprise. This order shall not be deemed to place in the Federal Government the primary responsibility for the physical security of privately-owned facilities or of facilities owned by any state, any political subdivision of any state, or any intergovernmental body.

(b) This order shall not be deemed to govern activities with respect to the post-attack immediately essential emergency repair or restoration of damaged vital facilities (64 Stat. 1247; 50 U.S.C. App. 2252(b)), except that the Office of Emergency Planning and the Director shall effect appropriate coordination of the said activities and functions carried out under this order.

(c) This order shall not extend to any facility of or under the cognizance of the Atomic Energy Commission, except those parts of any such facility which are not the responsibility of the said Commission.

(d) This order shall not extend to Federally-owned military posts, camps, stations, arsenals, or other comparable facilities under military command. The Director may exclude partly or wholly from the operation of this order any other facility under the cognizance of the Department of Defense, except that the Department shall advise and consult with the Director concerning the physical security of any facility so excluded. The provisions of this order shall not be deemed to apply to military defense or combat, except that the Director and the Secretary of Defense shall effect appropriate coordination of the functions carried out under this order and of operations of military defense or combat affecting facilities.

(e) Nothing in this order shall be deemed to confer on any Federal agency investigative functions exercised by any Federal agency represented in the Interdepartmental Intelligence Conference or to alter or modify any function of the said Conference.

(f) Nothing in this order shall be deemed to affect the responsibilities now assigned to the Interdepartmental Committee on Internal Security, except that there shall be governed by this order, (A) the Facilities Protection Board and the Industry Evaluation Board and their functions and supervision, (B) the prescription of standards of physical security of facilities, (C) the making of security ratings respecting facilities, and (D) the assignment of facilities to Federal agencies for the performance by them of physical security functions and the conduct by the said agencies of physical security functions respecting facilities assigned to them, respectively.

EX. ORD. NO. 10169

Ex. Ord. No. 10169, Oct. 13, 1950, 15 F.R. 6901, which provided for a National Advisory Committee on Mobilization Policy, was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, set out as a note under section 2153 of the Appendix to this title.

EX. ORD. NO. 9905

Ex. Ord. No. 9905, Nov. 14, 1947, 12 F.R. 7613, as amended by Ex. Ord. No. 9931, Feb. 19, 1948, 13 F.R. 763, provided for membership of the former National Security Resources Board and defined the functions, duties and authority of the Chairman of the Board.

§ 405. Advisory Committees; appointment; compensation of part-time personnel; applicability of other laws.

(a) The Director of the Office of Emergency Preparedness, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the appointing authority.

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of sections 281, 283, or 284 of Title 18, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested. (July 26, 1947, ch. 343, title III, § 303, 61 Stat. 507; Aug. 10, 1949, ch. 412, § 10(c), 63 Stat. 585; Sept. 3, 1954, ch. 1263, § 8, 68 Stat. 1228.)

REFERENCES IN TEXT

This Act, referred to in text, was the National Security Act of 1947, and was classified to this chapter and chapter 4 of Title 10, Armed Forces.

CODIFICATION

Similar provisions which authorized the Secretary of Defense to appoint Advisory Committees, formerly classified to section 171j of former Title 5, Executive Departments and Government Officers and Employees, were repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and are now covered by section 173 of Title 10, Armed Forces.

AMENDMENTS

1954—Act Sept. 3, 1954, substituted the "Director of the Office of Defense Mobilization" for "Chairman of the National Security Resources Board" in subsec. (a), and substituted "sections 281, 283 or 284 of Title 18" for "sections 198 or 203 of Title 18 or section 119(e) of Title 41".

1949—Subsec. (a). Act Aug. 10, 1949, made it also applicable to the National Security Council, and to increase the per diem payable to consultants from $35 to $50.

TRANSFER OF FUNCTIONS

"Office of Emergency Preparedness" has been substituted for "National Security Resources Board", as originally enacted, pursuant to Reorg. Plan No. 3 of 1953, 18 F.R. 3375, 67 Stat. 634 and Reorg. Plan No. 1 of 1958, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, set out in the Appendix to Title 5, Government Organization and Employees; Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 681; Pub. L. 87-296, Sept. 22, 1961, 75 Stat. 630; Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, which changed the name of the office, consecutively, to the Office of Defense Mobilization, the Office of Civil and Defense Mobilization, Office of Emergency Planning, and Office of Emergency Preparedness. See notes under section 404 of this title.

The National Security Council transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F. R. 5227, 63 Stat. 1067. See note set out under section 402 of this title.

All functions of the Director of the Office of Defense Mobilization were transferred to the Director of the Office of Civil and Defense Mobilization, and the offices of the Director and Deputy Director of the Office of Defense Mobilization were abolished, by 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799 as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861, set out in the Appendix to Title 5, Government Organization and Employees.

§ 406. Same; increase in per diem compensation.

CODIFICATION

Section, act June 24, 1948, ch. 632, 62 Stat. 648, which related to the authority of the former Chairman of the National Security Resources Board to appoint advisory committee members and part-time advisory personnel at rates up to $50 per day, has been omitted as superseded by section 405(a) of this title.

§ 407. Study or plan of surrender; use of appropriations.

No part of the funds appropriated in any act shall be used to pay (1) any person, firm, or corporation, or any combinations of persons, firms, or corporations, to conduct a study or to plan when and how or in what circumstances the Government of the United States should surrender this country and its people to any foreign power, (2) the salary or compensation of any employee or official of the Government of the United States who proposes or contracts or who has entered into contracts for the making of studies or plans for the surrender by the Government of the United States of this country and its people to any foreign power in any event or under any circumstances. (Pub. L. 85-766, ch. XVI, § 1602, Aug. 27, 1958, 72 Stat. 884.)

CODIFICATION

Section was not enacted as part of the National Security Act of 1947, which comprises this chapter.

§ 408. Applicable laws.

Except to the extent inconsistent with the provisions of this Act, the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense. (July 26, 1947, ch. 343, title II, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579.)

REFERENCES IN TEXT

This Act, referred to in the text, means the National Security Act of 1947, act July 26, 1947, which was classified to this chapter and chapter 4 of Title 10, Armed Forces. For classification of title IV of the Revised Statutes, see Distribution Tables.

CODIFICATION

Section is from subsec. (d) of section 201 of act July 26, 1947, as amended by act Aug. 10, 1949. Subsecs. (a) and (b) of section 201 were classified to section 171 of former Title 5, and subsec. (c) comprised section 1 of former Title 5.

§ 409. Definitions of military departments.

(a) The term "Department of the Army" as used in this Act shall be construed to mean the Department of the Army at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Army.

(b) The term "Department of the Navy" as used in this Act shall be construed to mean the Department of the Navy at the seat of the government; the headquarters, United States Marine Corps; the entire operating forces of the United States Navy, including naval aviation, and of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law.

(c) The term "Department of the Air Force" as used in this Act shall be construed to mean the Department of the Air Force at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force. (July 26, 1947, ch. 343, title II, §§ 205(c), 206(a), 207(c), 61 Stat. 501, 502.)

REFERENCES IN TEXT

This Act, referred to in the text, means the National Security Act of 1947, act July 26, 1947 which is classified to this chapter and chapter 4 of Title 10, Armed Forces.

CODIFICATION

Section comprises subsec. (c) of section 205, subsec. (a) of section 206, and subsec. (c) of section 207 of act July 26, 1947, which are set out as subsecs. (a)-(c) of this section, respectively.

§ 410. Definitions of function and Department of Defense.

(a) As used in this Act, the term "function" includes functions, powers, and duties.

(b) As used in this Act, the term "Department of Defense" shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act. (July 26, 1947, ch. 343, title III, § 308, 61 Stat. 509; Aug. 10, 1949, ch. 412, § 12(e), 63 Stat. 591.)

PARTIAL REPEAL

Section 307A of Pub. L. 87-651, title III, Sept. 7, 1962, 76 Stat. 526, repealed subsection (a) of this section less its applicability to sections 401—405 of this title. See references in text note hereunder.

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means the National Security Act, of 1947, which was classified to this chapter and chapter 4 of Title 10, Armed Forces.

Title II of this Act, referred to in subsec. (b), means title II of the National Security Act of 1947, act July 26, 1947. For distribution of that title, see Distribution Tables.

AMENDMENTS

1949—Subsec. (b). Act Aug. 10, 1949, substituted definition of "Department of Defense", for definition of "budget program".

EFFECTIVE DATE

Section 310(a) of act July 26, 1947, provided in part that this section became effective on July 26, 1947.

§ 411. Appropriations.

There are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act. (July 26, 1947, ch. 343, title III, § 307, 61 Stat. 509.)

REFERENCES IN TEXT

This Act, referred to in text, means the National Security Act of 1947, act July 26, 1947, which is classified to this chapter and chapter 4 of Title 10, Armed Forces.

§ 412. Repealing and saving provisions.

All laws, orders, and regulations inconsistent with the provisions of this title are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided,* That the powers, duties, and responsibilities of the Secretary of Defense under this title shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title shall be construed as eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a manner that will render ineffective the provisions of this title. (July 26, 1947, ch. 343, title IV, § 411, as added Aug. 10, 1949, ch. 412, § 11, 63 Stat. 585.)

Chapter 16.—NATIONAL INDUSTRIAL RESERVES

Sec.
451. Congressional declaration of purpose and policy.
452. Definitions.
453. Powers and duties of Secretary of Defense.
454. Plant disposal; modification of national security clause; transfer to Administrator of General Services; machine tools.
455. Acceptance of plants by Administrator of General Services; disposition; conditions of lease.
456. Powers of Secretary of Defense respecting property in national industrial reserve.
457. Transportation, maintenance, disposition, etc., by Administrator of General Services of transferred property.
458. Limitation on acquisition of property.
459. Industrial Reserve Review Committee; composition, appointment, tenure, and compensation; laws applicable.
460. Duties of Committee; recommendations.
461. Reports to Congress.
462. Appropriations.

§ 451. Congressional declaration of purpose and policy.

In enacting this chapter, it is the intent of Congress to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned industrial plants and a national reserve of machine tools and industrial manufacturing equipment may be assured for immediate use to supply the needs of the armed forces in time of national emergency or in anticipation thereof; it is further the intent of the Congress that such Government-owned plants and such reserve shall not exceed in number or kind the minimum requirements for immediate use in time of national emergency, and that any such items which shall become surplus to such requirements shall be disposed of as expeditiously as possible. (July 2, 1948, ch. 811, § 2, 62 Stat. 1225.)

SHORT TITLE

Congress in enacting this chapter provided by section 1 of act July 2, 1948 that it should be popularly known as the "National Industrial Reserve Act of 1948."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 453 of this title.

§ 452. Definitions.

(a) The term "national industrial reserve", as used in this chapter, means that excess industrial property which has been or may hereafter be sold, leased, or otherwise disposed of by the United States, subject to a national security clause, and that excess industrial property of the United States which not having been sold, leased, or otherwise disposed of, subject to a national security clause, shall be transferred to the Administrator of General Services under section 454 of this title.

(b) The term "excess industrial property", as used herein, means any machine tool, any industrial manufacturing equipment and any industrial plant (including structures on land owned by or leased to the United States, substantially equipped with machinery, tools, and equipment) which is capable of economic operation as a separate and independent industrial unit and which is not an integral part of an installation of a private contractor, which machine tools, industrial manufacturing equipment, and industrial plants are under the control of any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation and which are not required for its immediate needs and responsibilities as determined by the head thereof.

(c) The term "national security clause", as used in this chapter, means those terms, conditions, restrictions, and reservations, heretofore formulated or as may be formulated under section 453 (2) of this title for insertion in instruments of sale or lease of property, determined in accordance with section 453 (1) of this title to be a part of the national industrial reserve, which will guarantee the availability of such property for the purposes of national defense at any time when availability thereof for such purposes is deemed necessary by the Secretary of Defense. (July 2, 1948, ch. 811, § 3, 62 Stat. 1225; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 453 of this title.

§ 453. Powers and duties of Secretary of Defense.

To effectuate the policy set forth in section 451 of this title the Secretary of Defense is authorized and directed to—

(1) determine which excess industrial properties should become a part of the national industrial reserve under the provisions of this chapter;

(2) formulate a national security clause, as defined in section 452(c) of this title and vary or modify the same from time to time in such manner as best to attain the objectives of this chapter, having due regard to securing advantageous terms to the Government in the disposal of excess industrial property;

(3) consent to the relinquishment or waiver of all or any part of any national security clause in specific cases when necessary to permit the disposition of particular excess industrial property when it is determined that the retention of the productive capacity of any such excess industrial property is no longer essential to the national security or that the retention of a lesser interest than that originally required will adequately fulfill the purposes of this chapter: *Provided*, That nothing in this subsection shall require the modification or waiver of any part of any such national security clause when such clause is deemed necessary by the Secretary of Defense to effectuate the purposes of this chapter; and

(4) designate what excess industrial property shall be disposed of subject to the provisions of the national security clause.

(July 2, 1948, ch. 811, § 4, 62 Stat. 1226.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 454, 455 of this title.

§ 454. Plant disposal; modification of national security clause; transfer to Administrator of General Services; machine tools.

(a) In the event that any agency charged with the disposal of excess industrial property, after making every practicable effort so to do, is unable to dispose of any excess industrial plant because of the national security clause it shall notify the Secretary of Defense, indicating such modifications in the national security clause, if any, which in its judgment would make possible disposal of the plant. The Secretary of Defense shall consider and agree to any and all such proposed modifications as in his judgment would be consistent with the purposes of this chapter. If, however, such clause is not modified or the requirements thereof waived pursuant to section 453 (c) of this title, or if modified, such plant cannot then be disposed of under such modified clause, the Secretary of Defense shall direct that such plant be transferred to the Administrator of General Services, and such transfer shall be without reimbursement or transfer of funds.

(b) Notwithstanding any other provisions of law, any agency charged with the disposal of excess machine tools and industrial manufacturing equipment shall transfer custody of such machine tools and equipment as may be designated by the Secretary of Defense pursuant to section 453 of this title to the Administrator of General Services, without reimbursement, for storage and maintenance. (July 2, 1948, ch. 811, § 5, 62 Stat. 1226; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal

Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 452, 456, 457 of this title.

§ 455. Acceptance of plants by Administrator of General Services; disposition; conditions of lease.

Subject to provisions of section 456 of this title, the Administrator of General Services is authorized and directed to accept the transfer to it of such excess industrial property as is directed to be transferred to it under section 453 of this title and, as and when directed or authorized by the Secretary of Defense pursuant to section 456 of this title, to utilize, maintain, protect, repair, restore, renovate, lease, or dispose of such property. Notwithstanding section 303 (b) of Title 40, any lease may provide for the renovation, maintenance, protection, repair, and restoration by the lessee, of the property leased, or of the entire unit or installation when a substantial part thereof is leased, as part or all of the consideration for the lease of such property. (July 2, 1948, ch. 811, § 6, 62 Stat. 1226; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 456. Powers of Secretary of Defense respecting property in national industrial reserve.

The Secretary of Defense, with respect to property in the national industrial reserve, is authorized when he deems such action to be in the interest of national security—

(1) to establish general policies for the care, maintenance, utilization, recording, and security of such property transferred to the Administrator of General Services pursuant to section 454 of this title; and

(2) to direct the transfer without reimbursement by the Administrator of General Services of any of such property to other Government agencies with the consent of such agencies; and

(3) to direct the leasing by the Administrator of General Services of any of such property to designated lessees; and

(4) to authorize the disposition by the Administrator of General Services of any of such property by sale or otherwise when in the opinion of the Secretary of Defense such property may be disposed of subject to or free of the national security clause provided for in section 454 of this title; and

(5) to authorize and regulate the lending of any such property by the Administrator of General Services to any nonprofit educational institution or training school when (a) the Secretary shall determine that the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (b) such institution or school shall by agreement make such provision as the Secretary shall deem satisfactory for the proper maintenance of such property and for its return to the Administrator of General Services without expense to the Government.

(July 2, 1948, ch. 811, § 7, 62 Stat. 1227; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

CROSS REFERENCES

Administration of synthetic rubber-producing facilities, see section 1941 (f) of Appendix to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 455, 457 of this title.

§ 457. Transportation, maintenance, disposition, etc., by Administrator of General Services of transferred property.

As and when directed or authorized by the Secretary of Defense pursuant to the provisions of section 456 of this title, the Administrator of General Services shall after the date upon which transfer is directed pursuant to section 454 of this title provide for the transportation, handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, leasing, and disposition of excess industrial property. (July 2, 1948, ch. 811, § 8, 62 Stat. 1227; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 458. Limitation on acquisition of property.

Nothing contained in this chapter shall be construed as authorizing the acquisition of any property for the national industrial reserve except from excess or surplus Government-owned property. (July 2, 1948, ch. 811, § 9, 62 Stat. 1227.)

§ 459. Industrial Reserve Review Committee; composition, appointment, tenure, and compensation; laws applicable.

The Secretary of Defense shall appoint a National Industrial Reserve Review Committee, which shall consist of not exceeding fifteen persons to be appointed from civilian life who are by training and experience familiar with various fields of American industry, including shipbuilding, aircraft manufacture, machine tools, and arms and armament production. The members of such Committee shall serve for such term or terms as the Secretary of Defense may specify and shall meet at such times as may be specified by the Secretary of Defense to consult with and advise the Department of Defense. Each member of such Committee shall be entitled to compensation in the amount of $50 for each day, or part of day, he shall be in attendance at any regular called meeting of the Committee, together with reimbursement for all travel expenses incident to such attendance: *Provided,* That nothing contained in sections 93, 198 and 203 of Title 18; in section 99 of Title 5; in last paragraph of section 119 of Title 41; or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim proceeding, or matter involving the United States, shall apply to such persons solely by reason of their appointment to and membership on such Committee. (July 2, 1948, ch. 811, § 10, 62 Stat. 1227; Aug. 10, 1949, ch. 412, § 12 (a), 63 Stat. 591.)

REFERENCES IN TEXT

Sections 93, 198, and 203 of Title 18, referred to in the text, were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and are now covered by sections 203, 205 and 208 of Title 18, Crimes and Criminal Procedure.

Section 99 of Title 5, referred to in text, was repealed by Pub. L. 87–849, § 3, Oct. 23, 1962, 76 Stat. 1126. See section 207 of Title 18, Crimes and Criminal Procedure.

Section 119, sixth paragraph, of Title 41, referred to in the text, which was derived from act July 1, 1944, ch. 358, § 19 (e), 58 Stat. 668, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 207 of Title 18, Crimes and Criminal Procedure.

CHANGE OF NAME

The National Military Establishment was changed to the Department of Defense by act Aug. 10, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460 of this title.

§ 460. Duties of Committee; recommendations.

It shall be the duty of the Committee appointed under section 459 of this title to review not less often than once each year the justification for the retention of property in the national industrial reserve established hereunder and (i) to recommend to the Secretary of Defense the disposition of any such property which in the opinion of the Committee would no longer be of sufficient strategic value to warrant its further retention for the production of war material in the event of a national emergency; (ii) to recommend to the Secretary of Defense standards of maintenance for the property held in the national industrial reserve; (iii) to review and recommend to the Secretary of Defense the disposal of that property which in the opinion of the Committee could and should be devoted to commercial use in the civilian economy; and (iv) to advise the Secretary of Defense with respect to such activities under this chapter as he may request. (July 2, 1948, ch. 811, § 11, 62 Stat. 1228.)

§ 461. Reports to Congress.

The Secretary of Defense shall submit to the Congress on April 1 of each year a report detailing the action taken by it under this chapter and containing such other pertinent information on the status of the national industrial reserve as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (July 2, 1948, ch. 811, § 12, 62 Stat. 1228.)

§ 462. Appropriations.

There are authorized to be appropriated to the Office of the Secretary of Defense and to the Administrator of General Services out of any moneys in the Treasury not otherwise appropriated, such sums as the Congress may, from time to time, determine to be necessary to enable the Secretary of Defense and the Administrator of General Services to carry out their respective functions under this chapter. (July 2, 1948, ch. 811, § 14, 62 Stat. 1228; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103 (a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act. Section 103 is set out as section 630b of Title 5, Executive Departments and Government Officers and Employees.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Chapter 17.—ARMING AMERICAN VESSELS

§ 481. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act June 29, 1948, ch. 715, § 1, 62 Stat. 1095, provided for the arming of American vessels during a war or national emergency, and is now covered by section 351 of Title 10, Armed Forces.

Chapter 18.—AIR-WARNING SCREEN

Sec.
491. Establishment and development of land-based air warning and control installations and facilities; extent of appropriation; procurement of communication services.
492. Acquisition of land.
493. Appropriation authorization.
494. Supervision and control of project.

§ 491. Establishment and development of land-based air warning and control installations and facilities; extent of appropriation; procurement of communication services.

The Secretary of the Air Force is authorized to establish and develop within and without the continental limits of the United States in fulfilling the air defense responsibilities of the Department of the Air Force such land-based air warning and control installations and facilities, by the construction, installation, or equipment of temporary or permanent

public works, including buildings, facilities, appurtenances, utilities, and access roads, and to provide for necessary administration and planning therefor, without regard to section 1339 of Title 10, section 529 of Title 31, and section 259 of Title 40, as he may deem necessary in the interest of national security: *Provided,* That not to exceed $85,500,000 shall be appropriated for the construction of public works authorized by this section.

The Secretary of the Air Force is authorized to procure communication services required for the semiautomatic ground environment system. No contract for such services may be for a period of more than ten years from the date communication services are first furnished under such contract. The aggregate contingent liability of the Government under the termination provisions of all contracts authorized hereunder may not exceed a total of $222,000,000 and no termination payment shall be final until audited and approved by the General Accounting Office which shall have access to such carrier records and accounts as it may deem necessary for the purpose. In procuring such services, the Secretary of the Air Force shall utilize to the fullest extent practicable the facilities and capabilities of communication common carriers, including rural telephone cooperatives, within their respective service areas and for power supply, shall utilize to the fullest extent practicable, the facilities and capabilities of public utilities and rural electric cooperatives within their respective service areas. Negotiations with communication common carriers, including cooperatives, and representation in proceedings involving such carriers before Federal and State regulatory bodies where such negotiations or proceedings involve contracts authorized by this paragraph shall be in accordance with the provisions of section 481 of Title 40. (Mar. 30, 1949, ch. 41, § 1, 63 Stat. 17; Aug. 3, 1956, ch. 939, title III, § 303, 70 Stat. 1012.)

REFERENCES IN TEXT

Section 1339 of Title 10, referred to in the text, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is now covered by sections 4774 and 9774 of Title 10, Armed Forces.

Section 259 of Title 40, referred to in text, was repealed by Pub. L. 86-249, § 17(12), Sept. 9, 1959, 73 Stat. 485.

AMENDMENTS

1956—Act Aug. 3, 1956, authorized procurement of communication services required for the semiautomatic ground environment system.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 492, 493, 494 of this title.

§ 492. Acquisition of land.

In furtherance of section 491 of this title, the Secretary of the Air Force is authorized to make surveys and to acquire lands and rights pertaining thereto or other interests therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, and to place permanent and temporary improvements thereon whether such lands are held in fee or under lease, or under other temporary tenure. (Mar. 30, 1949, ch. 41, § 2, 63 Stat. 17.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 493, 494 of this title.

§ 493. Appropriation authorization.

There is authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the purposes of sections 491 to 494 of this title, and when so specified in an appropriation Act such amounts shall remain available until expended. (Mar. 30, 1949, ch. 41, § 3, 63 Stat. 18.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 494 of this title.

§ 494. Supervision and control of project.

The provisions of sections 491 to 494 of this title shall be subject to the duties and authority of the Secretary of Defense and the departments and agencies of the Department of Defense as provided in the National Security Act of 1947. (Mar. 30, 1949, ch. 41, § 4, 63 Stat. 18; Aug. 10, 1949, ch. 412, § 12 (a), 63 Stat. 591.)

REFERENCES IN TEXT

The National Security Act of 1947 referred to in the text, was classified to former sections 171–171n, 181–1, 181–2, 411a, 411b, 626–626c of Title 5, and to sections 401–405 of this title.

CHANGE OF NAME

The National Military Establishment was changed to the Department of Defense by act Aug. 10, 1949.

Chapter 19.—GUIDED MISSILES

Sec.
501. Establishment of long-range proving ground for guided missiles and other weapons; jurisdiction of Secretary of the Air Force; use by all Services.
502. Acquisition of land.
503. Appropriations.
504. Delegation of authority by Secretary of Defense; contributions for support.

§ 501. Establishment of long-range proving ground for guided missiles and other weapons; jurisdiction of Secretary of the Air Force; use by all Services.

The Secretary of the Air Force is authorized to establish a joint long-range proving ground for guided missiles and other weapons by the construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities, within or without the continental limits of the United States, for scientific study, testing, and training purposes by the Departments of the Army, Navy, and Air Force. (May 11, 1949, ch. 98, § 1, 63 Stat. 66.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 502, 503, 504 of this title.

§ 502. Acquisition of land.

The Secretary of the Air Force is authorized in discharging the authority given in section 501 of this title to make surveys, to acquire lands and rights or other interests pertaining thereto, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, without regard to section 529 of Title 31. Prior to the acquisition under the authority of this section of any lands or rights or other interests pertaining thereto, the Secretary of the Air Force shall come into agreement with the Armed Services Committees of the Senate and the House of Representatives with respect to the acquisition of such lands, rights, or

other interests. (May 11, 1949, ch. 98, § 2, 63 Stat. 66.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 503, 504 of this title.

§ 503. Appropriations.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $75,000,000 to carry out the purposes of sections 501 and 502 of this title. (May 11, 1949, ch. 98, § 3, 63 Stat. 66.)

§ 504. Delegation of authority by Secretary of Defense; contributions for support.

The Secretary of Defense is authorized, in his discretion, to transfer to the Secretary of the Army or the Secretary of the Navy, and to retransfer from either of such Secretaries to the other or to the Secretary of the Air Force, all, or any part of, the authority granted by sections 501 and 502 of this title; and, in connection with any such transfer or retransfer, to transfer all or any part of the funds available for the establishment and support of the joint long-range proving ground for guided missiles and other weapons. The Secretary of Defense is further authorized to permit, to the extent that he may deem appropriate, the Secretaries of the Army, the Navy, and the Air Force to contribute, with or without reimbursement, to the establishment and support of the joint long-range proving ground for guided missiles authorized by this chapter, by the loan, assignment, or transfer of personnel, supplies, equipment, and services. (May 11, 1949, ch. 98, § 4, 63 Stat. 66.)

Chapter 20.—WIND TUNNELS

SUBCHAPTER I. CONSTRUCTION OF WIND-TUNNEL FACILITIES

Sec.
511. Joint development of unitary plan for construction of facilities; construction at educational institutions.
512. Limitation on cost of construction and equipment; vesting of title to facilities.
513. Expansion of existing facilities; appropriations; testing of models.
514. Expansion of facilities at Carderock, Maryland.
515. Reports to Congress.

SUBCHAPTER II. AIR ENGINEERING DEVELOPMENT CENTER

521. Establishment; construction, maintenance, and operation of public works and wind tunnels.
522. Acquisition of lands; advance payments for construction.
523. Employment of civilian personnel.
524. Appropriations.

SUBCHAPTER I. CONSTRUCTION OF WIND-TUNNEL FACILITIES

§ 511. Joint development of unitary plan for construction of facilities; construction at educational institutions.

The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator") and the Secretary of Defense are authorized and directed jointly to develop a unitary plan for the construction of transsonic and supersonic wind-tunnel facilities for the solution of research, development, and evaluation problems in aeronautics, including the construction of facilities at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances. The Administrator and the Secretaries of the Army, the Navy, and the Air Force are authorized to proceed with the construction and equipment of facilities in implementation of the unitary plan to the extent permitted by appropriations pursuant to existing authority and the authority contained in this chapter. Any further implementation of the unitary plan shall be subject to such additional authorizations as may be approved by Congress. (Oct. 27, 1949, ch. 766, title I, § 101, 63 Stat. 936; July 29, 1958, Pub. L. 85-568, title III, § 301(d) (1), (2), 72 Stat. 433.)

AMENDMENTS

1958—Pub. L. 85-568 substituted "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')" for "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')", and "Administrator" for "Committee" in the second sentence.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-568 effective 90 days after July 29, 1958, or on any earlier date on which the Administrator of the National Aeronautics and Space Administration determines, and announces by proclamation, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it, see note set out under section 2302 of Title 10, Armed Forces.

SHORT TITLE

Congress in enacting this subchapter provided in section 106 of act Oct. 27, 1949 that it should be popularly known as the "Unitary Wind Tunnel Plan Act of 1949".

§ 512. Limitation on cost of construction and equipment; vesting of title to facilities.

The Administrator is authorized, in implementation of the unitary plan, to construct and equip transsonic or supersonic wind tunnels of a size, design and character adequate for the efficient conduct of experimental work in support of long-range fundamental research at educational institutions within the continental United States, to be selected by the Administrator, or to enter into contracts with such institutions to provide for such construction and equipment, at a total cost not to exceed $10,000,000: *Provided,* That the Administrator may, in his discretion, after consultation with the Committees on Armed Services of both Houses of the Congress, vest title to the facilities completed pursuant to this section in such educational institutions under such terms and conditions as may be deemed in the best interests of the United States. (Oct. 27, 1949, ch. 766, title I, § 102, 63 Stat. 936; July 29, 1958, Pub. L. 85-568, title III, § 301(d) (2), (3), 72 Stat. 433.)

AMENDMENTS

1958—Pub. L. 85-568 substituted "Administrator" for "Committee" in three instances, and "his" for "its".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-568 effective 90 days after July 29, 1958, or on any earlier date on which the Administrator of the National Aeronautics and Space Administration determines, and announces by proclamation, that the Administration has been organized and is prepared to discharge the duties and

exercise the powers conferred upon it, see note set out under section 2302 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 515 of this title.

§ 513. Expansion of existing facilities; appropriations; testing of models.

(a) The Administrator is authorized to expand the facilities at his existing laboratories by the construction of additional supersonic wind tunnels, including buildings, equipment, and accessory construction, and by the acquisition of land and installation of utilities.

(b) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed $136,000,000.

(c) The facilities authorized by this section shall be operated and staffed by the Administrator but shall be available primarily to industry for testing experimental models in connection with the development of aircraft and missiles. Such tests shall be scheduled and conducted in accordance with industry's requirements and allocation of laboratory time shall be made in accordance with the public interest, with proper emphasis upon the requirements of each military service and due consideration of civilian needs. (Oct. 27, 1949, ch. 766, title I, § 103, 63 Stat. 937; July 29, 1958, Pub. L. 85-568, title III, § 301(d) (2), (3), 72 Stat. 433.)

AMENDMENTS

1958—Pub. L. 85-568 substituted "Administrator" for "Committee" in subsecs. (a) and (c), and "his" for "its" in subsec. (a).

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-568 effective 90 days after July 29, 1958, or on any earlier date on which the Administrator of the National Aeronautics and Space Administration determines, and announces by proclamation, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it, see note set out under section 2302 of Title 10, Armed Forces.

ADDITIONAL APPROPRIATIONS

Section 801 of act June 29, 1950, ch. 405, 64 Stat. 286, provided in part for an additional appropriation of $75,000,000, to remain available until expended; for the construction and completion and equipment of facilities at the Langley Aeronautical Laboratory, Langley Air Force Base, Virginia.

§ 514. Expansion of facilities at Carderock, Maryland.

The Secretary of the Navy is authorized, in implementation of the unitary plan, to expand the naval facilities at the David W. Taylor Model Basin, Carderock, Maryland, by the construction of a wind tunnel, including buildings, equipment, utilities, and accessory construction, at a cost not to exceed $6,600,000. (Oct. 27, 1949, ch. 766, title I, § 104, 63 Stat. 937.)

§ 515. Reports to Congress.

The Administrator shall submit semi-annual written reports to the Congress covering the selection of institutions and contracts entered into pursuant to section 512 of this title together with other pertinent information relative to the Administrator's activities and accomplishments thereunder. (Oct. 27, 1949, ch. 766, title I, § 105, 63 Stat. 937; July 29, 1958, Pub. L. 85-568, title III, § 301(d) (2), 72 Stat. 433.)

AMENDMENTS

1958—Pub. L. 85-568 substituted "Administrator" for "Committee" and "Administrator's" for "Committee's".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-568 effective 90 days after July 29, 1958, or on any earlier date on which the Administrator of the National Aeronautics and Space Administration determines, and announces by proclamation, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it, see note set out under section 2302 of Title 10, Armed Forces.

SUBCHAPTER II. AIR ENGINEERING DEVELOPMENT CENTER

§ 521. Establishment; construction, maintenance, and operation of public works and wind tunnels.

The Secretary of the Air Force is authorized to establish an Air Engineering Development Center, and to construct, install, and equip (1) temporary and permanent public works, including housing accommodations and community facilities for military and civilian personnel, buildings, facilities, appurtenances, and utilities; and (2) wind tunnels in implementation of the unitary plan referred to in subchapter I of this chapter; and to maintain and operate the public works and wind tunnels authorized by this subchapter. (Oct. 27, 1949, ch. 766, title II, § 201, 63 Stat. 937.)

SHORT TITLE

Congress in enacting this subchapter provided in section 205 of act Oct. 27, 1949, that it should be popularly known as the "Air Engineering Development Center Act of 1949".

§ 522. Acquisition of lands; advance payments for construction.

To accomplish the purposes of this subchapter, the Secretary of the Air Force is authorized to acquire lands and rights pertaining thereto, or other interest therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, and construction under this subchapter may be prosecuted without regard to section 529 of Title 31. (Oct. 27, 1949, ch. 766, title II, § 202, 63 Stat. 937.)

§ 523. Employment of civilian personnel.

The Secretary of the Air Force is authorized to employ such civilian personnel as may be necessary to carry out the purposes of this subchapter without regard to the limitation on maximum number of employees imposed by section 947 (g) of Title 5. (Oct. 27, 1949, ch. 766, title II, § 203, 63 Stat. 937.)

REFERENCES IN TEXT

Section 947(g) of Title 5, referred to in the text, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301 (85), 64 Stat. 843.

§ 524. Appropriations.

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to remain available until expended when so specified in the appropriation act concerned, (a) not to exceed $157,500,000 for the establishment and for initial construction, installation, and equipment of the Air Engineering Development Center authorized in this subchapter, including expenses for necessary surveys and acquisition of land, and (b) such sums

as may be necessary to carry out the other purposes of this subchapter. (Oct. 27, 1949, ch. 766, title II, § 204, 63 Stat. 937; Sept. 21, 1950, ch. 969, 64 Stat. 895.)

AMENDMENTS

1950—Act Sept. 21, 1950, increased the appropriation authorization from $100,000,000 to $157,500,000.

Chapter 21.—ABACÁ PRODUCTION

Sec.
541. Congressional declaration of policy.
542. Production program; acreage under production; surveys and research; sale of surplus.
(a) Rules and regulations.
(a) Rules and Regulations.
(b) Terms and conditions of contracts.
(c) Delegation of President's powers.
(d) Transfer of functions, etc.
(e) Financial control.
544. Financing.
(a) Establishment of revolving fund; composition.
(b) Advances.
(c) Interest on advances.
(d) Appropriations.
(e) Use of receipts.
(f) Exercise of functions by Reconstruction Finance Corporation.
545. Disposal of property.
546. Reports to Congress.

§ 541. Congressional declaration of policy.

Whereas abacá, a hard fiber used in the making of marine and other cordage, is a highly strategic and critical material which cannot be produced in commercial quantities in the continental United States, and of which an adequate supply is vital to the industrial and military requirements for the common defense of the United States; therefore, it has been the policy of the United States to continue the program for production and sale of abacá in which it was engaged at the termination of hostilities of World War II, and it is declared to be the policy of the United States to encourage abacá production throughout the world, and in that connection to further the development and maintenance of abacá production in the Western Hemisphere through aid and supplementation of operations under the Strategic and Critical Materials Stock Piling Act and the national security and common defense. (Aug. 10, 1950, ch. 673, § 2, 64 Stat. 435.)

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in the text, is classified to sections 98—98h of this title.

EFFECTIVE AND TERMINATION DATE

Section 8 of act Aug. 10, 1950, provided that: "This Act [this chapter] shall become effective on April 1, 1950, and shall remain effective for ten years thereafter, unless the Congress or the President shall direct earlier termination of operations, and for such further period as is necessary to the earliest practicable liquidation of operations under this Act [this chapter]."

SHORT TITLE

Congress in enacting this chapter provided by section 1 of act Aug. 10, 1950, that it should be popularly known as the "Abacá Production Act of 1950".

§ 542. Production program; acreage under production; surveys and research; sale of surplus.

(a) Production of abacá in the Western Hemisphere shall be continued by the United States Government: *Provided*, That the total acreage under cultivation shall not exceed the aggregate under cultivation as of the close of the month next preceding April 1, 1950, except that additional acreage may be added in the Western Hemisphere at the direction of the President and reduction of acreage under cultivation to abacá under this chapter shall be effected whenever the President shall so direct: *And provided further*, That in no event shall the total number of acres under cultivation to abacá under this chapter at any one time exceed fifty thousand.

(b) Such surveys and research may be undertaken as are necessary or desirable to obtain the best available land in the Western Hemisphere for the production of abacá, the best development of abacá and development and maintenance of the plantations for the production of abacá established on such land, and the most economical and practical processing and disposition of such fiber and byproducts as result from the production of abacá on such land.

(c) Abacá fiber, produced under this chapter, which from time to time is not needed for stockpiling under the Strategic and Critical Materials Stock Piling Act may be sold otherwise than for stockpiling under such Act. (Aug. 10, 1950, ch. 673, § 3, 64 Stat. 435.)

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (c), is classified to sections 98—98h of this title.

Such Act, referred to in subsec. (b), refers to the Strategic and Critical Stock Piling Act.

§ 543. Administration.

(a) Rules and regulations.

The President may issue such rules and regulations and make such determinations as he deems necessary and appropriate to carry out the provisions of this chapter.

(b) Terms and conditions of contracts.

All contracts entered into and all acquisitions of property effected under this chapter shall be in such manner and on such terms and conditions as the President shall determine.

(c) Delegation of President's powers.

The President may exercise any or all of the powers, authority, and discretion conferred upon him by this chapter through such departments, agencies, officers, Government corporations, or instrumentalities of the United States, whether or not existing on April 1, 1950, as he may direct.

(d) Transfer of functions, etc.

The President may transfer to the departments, agencies, officers, Government corporations, or instrumentalities of the United States, or to any of them, which he directs to exercise the powers, authority, and discretion conferred upon him by this chapter, such facilities, personnel, property, and records relating to such powers, authority, and discretion, as he deems necessary; and he may so transfer all appropriations or other funds available for carrying out such powers, authority, and discretion.

(e) Financial control.

The financial transactions authorized by this chapter shall be subject to the Government Corporation Control Act, as amended, and other laws

specifically applicable to wholly owned Government corporations as a class. (Aug. 10, 1950, ch. 673, § 4, 64 Stat. 436.)

REFERENCES IN TEXT

The Government Corporation Control Act, as amended, referred to in subsec. (e), is classified to chapter 14 of Title 31, Money and Finance.

TRANSFER OF FUNCTIONS, ETC.

Transfer of functions, etc., of Reconstruction Finance Corporation under this chapter, see note under section 544 of this title.

GENERAL SERVICES ADMINISTRATION

Ex. Ord. No. 10539, June 22, 1954, 19 F. R. 3827, set out as a note under section 603 of Title 15, Commerce and Trade, provided that all functions vested in the President by this chapter were to be performed and exercised through the General Services Administration, except his functions under section 542(a) of this title with respect to directing increases or reductions of acreage and his functions under subsections (c) and (d) of this section.

The Ex. Ord. also ordered the Director of the Bureau of the Budget [now the Office of Management and Budget] to carry out the provisions of subsection (d) of this section as those provisions relate to the provisions of sections 2, 3, and 4 of that Executive Order.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 544 of this title.

§ 544. Financing.

(a) Establishment of revolving fund; composition.

For the purpose of carrying out the functions authorized by this chapter, there is established in the Treasury, a revolving fund which shall consist of (1) such amounts as the Congress may appropriate thereto, which appropriations are authorized, (2) such amounts as may be paid into the fund pursuant to subsection (e) of this section, and (3) amounts received in connection with any transfer pursuant to section 543 (d) of this title.

(b) Advances.

Pursuant to regulations prescribed by the President, the Secretary of the Treasury is authorized and directed to make advances from the fund not to exceed a total of $35,000,000 outstanding at any one time. There shall be added to such advances and treated as advances an amount equal to the net value of assets of the program for the production and sale of abacá as held by the Reconstruction Finance Corporation on April 1, 1950.

(c) Interest on advances.

Interest shall be paid on each outstanding advance at such rates as may be determined by the Secretary of the Treasury to be appropriate in view of the terms for which such advances are made.

(d) Appropriations.

Appropriations are authorized for payment in the form of a grant, in such amounts as may be estimated in the annual budget as necessary to cover losses. The annual budget program shall specifically set forth any losses sustained in excess of the grant previously made for the last completed fiscal year. Appropriations are authorized for payment to cover such additional losses incurred.

(e) Use of receipts.

Receipts for each fiscal year may be used for payment of the costs incurred in connection with projects and activities authorized by this chapter. After providing out of such receipts for necessary working capital requirements, any amounts in excess thereof shall be paid annually into the fund. Such payment shall be applied to reduce the amount of advances outstanding, and any remaining payments shall be covered into the Treasury as miscellaneous receipts.

(f) Exercise of functions by Reconstruction Finance Corporation.

Until such time as the appropriations herein authorized are made, such of the powers, authority, and discretion provided for in this chapter as the President may delegate to the Reconstruction Finance Corporation may be exercised by the Reconstruction Finance Corporation under the authority conferred by former section 5d (3) of the Reconstruction Finance Corporation Act, as amended (54 Stat. 573, 961; 55 Stat. 249); joint resolution approved June 30, 1945 (59 Stat. 310); and section 611 of Title 15, with funds recovered or recoverable from its national defense, war, and reconversion activities. (Aug. 10, 1950, ch. 673, § 5, 64 Stat. 436.)

REFERENCES IN TEXT

Former section 5d (3) of the Reconstruction Finance Corporation Act, as amended (54 Stat. 573, 961; 55 Stat. 249), referred to in subsec. (f), was formerly classified to section 606b of Title 15, Commerce and Trade.

Joint Resolution approved June 30, 1945 (59 Stat. 310), referred to in subsec. (f), is set out as a note under section 611 of Title 15.

TRANSFER OF FUNCTIONS, ETC.

Act July 30, 1953, ch. 282, title I, § 107 (a) (1), 67 Stat. 231, provided that:

"All functions, powers, duties, and authority of the Reconstruction Finance Corporation under the * * * Abacá Production Act of 1950, as amended (this chapter), shall be transferred by the President not later than June 30, 1954, in accordance with the provisions of such * * * [Act]."

Subsection (b) of section 107 provided that: "All assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, personnel, and records of the Reconstruction Finance Corporation which the Director of the Bureau of the Budget [now the Office of Management and Budget] shall determine to be primarily related to, and necessary for, the exercise of such functions, powers, duties, and authority, shall be transferred to the officer or agency of the Government to which such functions, powers, duties, and authority are transferred."

For authorization of appropriations for carrying out purposes of that act, and separability of provisions thereof, see notes under section 631 of Title 5, Commerce and Trade.

§ 545. Disposal of property.

Whenever the President shall determine that any property is excess to the purposes of this chapter, or that adequate supplies of abacá will be available from other sources within the Western Hemisphere on a basis acceptable to the United States, property held for the purposes of this chapter may be disposed of in such manner and on such terms and conditions as the President may prescribe. (Aug. 10, 1950, ch. 673, § 6, 64 Stat. 437.)

§ 546. Reports to Congress.

Within six months after the close of each fiscal year a report shall be submitted to the Congress on the activities under this chapter. (Aug. 10, 1950, ch. 673, § 7, 64 Stat. 437.)

Chapter 22.—UNIFORM CODE OF MILITARY JUSTICE

SUBCHAPTER I.—GENERAL PROVISIONS

Sec.
551 to 556. Repealed.

SUBCHAPTER II.—APPREHENSION AND RESTRAINT

561 to 568. Repealed.

SUBCHAPTER III.—NON-JUDICIAL PUNISHMENT

571. Repealed.

SUBCHAPTER IV.—COURTS-MARTIAL JURISDICTION

576 to 581. Repealed.

SUBCHAPTER V.—APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

586 to 593. Repealed.

SUBCHAPTER VI.—PRETRIAL PROCEDURE

601 to 606. Repealed.

SUBCHAPTER VII.—TRIAL PROCEDURE

611 to 629. Repealed.

SUBCHAPTER VIII.—SENTENCES

636 to 639. Repealed.

SUBCHAPTER IX.—REVIEW OF COURTS-MARTIAL

646 to 663. Repealed.

SUBCHAPTER X.—PUNITIVE ARTICLES

671 to 728. Repealed.

SUBCHAPTER XI.—MISCELLANEOUS PROVISIONS

731 to 739. Repealed.
740. Amelioration of sentence by Judge Advocate General; new trial; termination of World War II.
741. Repealed.

SUBCHAPTER I.—GENERAL PROVISIONS

§§ 551 to 556. Repealed. Aug. 10, 1056, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 551, act May 5, 1950, ch. 169, § 1, 64 Stat. 108, defined terms used in former chapter 22, and is now covered by sections 101 and 801 of Title 10, Armed Forces.

Section 552, acts May 5, 1950, ch. 169, § 1, 64 Stat. 109; Aug. 1, 1956, ch. 852, § 23, 70 Stat. 911, related to persons subject to the Articles of War, and is now covered by section 802 of Title 10, Armed Forces. Act Aug. 1, 1956, ch. 852, § 23, 70 Stat. 911 was repealed by Pub. L. 87-651, title III, § 307A, Sept. 7, 1962, 76 Stat. 526.

Section 553, act May 5, 1950, ch. 169, § 1, 64 Stat. 109, related to jurisdiction to try certain personnel, and is now covered by section 803 of Title 10.

Section 554, act May 5, 1950, ch. 169, § 1, 64 Stat. 110, provided for dismissed officer's right to trial by court-martial, and is now covered by section 804 of Title 10.

Section 555, act May 5, 1950, ch. 169, § 1, 64 Stat. 110, provided that this chapter should be applicable in all places, and is now covered by section 805 of Title 10.

Section 556, act May 5, 1950, ch. 169, § 1, 64 Stat. 110, related to judge advocates and legal officers, and is now covered by section 806 of Title 10.

SUBCHAPTER II.—APPREHENSION AND RESTRAINT

§§ 561 to 568. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 561, act May 5, 1950, ch. 169, § 1, 64 Stat. 111, related to apprehension, and is now covered by section 807 of Title 10, Armed Forces.

Section 562, act May 5, 1950, ch. 169, § 1, 64 Stat. 111, provided for apprehension of deserters, and is now covered by section 808 of Title 10.

Section 563, act May 5, 1950, ch. 169, § 1, 64 Stat. 111, related to imposition of restraint, and is now covered by section 809 of Title 10.

Section 564, act May 5, 1950, ch. 169, § 1, 64 Stat. 111, related to restraint of persons charged with offenses, and is now covered by section 810 of Title 10.

Section 565, act May 5, 1950, ch. 169, § 1, 64 Stat. 112, provided for reports and receiving of prisoners, and is now covered by section 811 of Title 10.

Section 566, act May 5, 1950, ch. 169, § 1, 64 Stat. 112, prohibited confinement of members of the armed forces with enemy prisoners, and is now covered by section 812 of Title 10.

Section 567, act May 5, 1950, ch. 169, § 1, 64 Stat. 112, prohibited punishment before trial, and is now covered by section 813 of Title 10.

Section 568, act May 5, 1950, ch. 169, § 1, 64 Stat. 112, related to delivery of offenders to civil authorities, and is now covered by section 814 of Title 10.

SUBCHAPTER III.—NON-JUDICIAL PUNISHMENT

§ 571. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section, act May 5, 1950, ch. 169, § 1, 64 Stat. 112, related to commanding officer's non-judicial punishment, and is now covered by section 815 of Title 10, Armed Forces.

SUBCHAPTER IV.—COURTS-MARTIAL JURISDICTION

§§ 576 to 581. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 576, act May 5, 1950, ch. 169, § 1, 64 Stat. 113, classified types of courts-martial, and is now covered by section 816 of Title 10, Armed Forces.

Section 577, act May 5, 1950, ch. 169, § 1, 64 Stat. 114, related to jurisdiction of courts-martial in general, and is now covered by section 817 of Title 10.

Section 578, act May 5, 1950, ch. 169, § 1, 64 Stat. 114, related to jurisdiction of general courts-martial, and is now covered by section 818 of Title 10.

Section 579, act May 5, 1950, ch. 169, § 1, 64 Stat. 114, related to jurisdiction of special courts-martial, and is now covered by section 819 of Title 10.

Section 580, act May 5, 1950, ch. 169, § 1, 64 Stat. 114, related to jurisdiction of summary courts-martial, and is now covered by section 820 of Title 10.

Section 581, act May 5, 1950, ch. 169, § 1, 64 Stat. 115, provided that jurisdiction of courts-martial was not exclusive, and is now covered by section 821 of Title 10.

SUBCHAPTER V.—APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

§§ 586 to 593. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 586, act May 5, 1950, ch. 169, § 1, 64 Stat. 115, prescribed persons who may convene general courts-martial, and is now covered by section 822 of Title 10, Armed Forces.

Section 587, act May 5, 1950, ch. 169, § 1, 64 Stat. 115, prescribed persons who may convene special courts-martial, and is now covered by section 823 of Title 10.

Section 588, act May 5, 1950, ch. 169, § 1, 64 Stat. 116, prescribed persons who may convene summary courts-martial, and is now covered by section 824 of Title 10.

Section 589, act May 5, 1950, ch. 169, § 1, 64 Stat. 116, related to persons who may serve on courts-martial, and is now covered by section 825 of Title 10.

Section 590, act May 5, 1950, ch. 169, § 1, 64 Stat. 117, provided for law officer of a general court-martial, and is now covered by section 826 of Title 10.

Section 591, act May 5, 1950, ch. 169, § 1, 64 Stat. 117, related to appointment of trial counsel and defense counsel, and is now covered by section 827 of Title 10.

Section 592, act May 5, 1950, ch. 169, § 1, 64 Stat. 117, provided for appointment of reporters and interpreters, and is now covered by section 828 of Title 10.

Section 593, act May 5, 1950, ch. 169, § 1, 64 Stat. 117, related to absent and additional members of courts-martial, and is now covered by section 829 of Title 10.

SUBCHAPTER VI.—PRETRIAL PROCEDURE

§§ 601 to 606. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 601, act May 5, 1950, ch. 169, § 1, 64 Stat. 118, related to charges and specifications, and is now covered by section 830 of Title 10, Armed Forces.

Section 602, act May 5, 1950, ch. 169, § 1, 64 Stat. 118, prohibited compulsory self-incrimination, and is now covered by section 831 of Title 10.

Section 603, act May 5, 1950, ch. 169, § 1, 64 Stat. 118, related to investigations, and is now covered by section 832 of Title 10.

Section 604, act May 5, 1950, ch. 169, § 1, 64 Stat. 119, provided for forwarding of charges, and is now covered by section 833 of Title 10.

Section 605, act May 5, 1950, ch. 169, § 1, 64 Stat. 119, related to advice of staff judge advocate and reference for trial, and is now covered by section 834 of Title 10.

Section 606, act May 5, 1950, ch. 169, § 1, 64 Stat. 119, provided for service of charges, and is now covered by section 835 of Title 10.

SUBCHAPTER VII.—TRIAL PROCEDURE

§§ 611 to 629. Repealed. Aug. 10, 1956, ch 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 611, act May 5, 1950, ch. 169, § 1, 64 Stat. 120, authorized the President to prescribe rules, and is now covered by section 836 of Title 10, Armed Forces.

Section 612, act May 5, 1950, ch. 169, § 1, 64 Stat. 120, related to unlawfully influencing action of court, and is now covered by section 837 of Title 10.

Section 613, act May 5, 1950, ch. 169, § 1, 64 Stat. 120, provided for the duties of trial counsel and defense counsel, and is now covered by section 838 of Title 10.

Section 614, act May 5, 1950, ch. 169, § 1, 64 Stat. 121, related to sessions of the courts-martial, and is now covered by section 839 of Title 10.

Section 615, act May 5, 1950, ch. 169, § 1, 64 Stat. 121, provided for continuances, and is now covered by section 840 of Title 10.

Section 616, act May 5, 1950, ch. 169, § 1, 64 Stat. 121, provided for challenges, and is now covered by section 841 of Title 10.

Section 617, act May 5, 1950, ch. 169, § 1, 64 Stat. 121, related to oaths, and is now covered by section 842 of Title 10.

Section 618, act May 5, 1950, ch. 169, § 1, 64 Stat. 121, related to statutes of limitation, and is now covered by section 843 of Title 10.

Section 619, act May 5, 1950, ch. 169, § 1, 64 Stat. 122, related to former jeopardy, and is now covered by section 844 of Title 10.

Section 620, act May 5, 1950, ch. 169, § 1, 64 Stat. 122, related to pleas of the accused, and is now covered by section 845 of Title 10.

Section 621, act May 5, 1950, ch. 169, § 1, 64 Stat. 122, related to opportunity to obtain witnesses and other evidence, and is now covered by section 846 of Title 10.

Section 622, act May 5, 1950, ch. 169, § 1, 64 Stat. 123, provided for refusal to appear or testify, and is now covered by section 847 of Title 10.

Section 623, act May 5, 1950, ch. 169, § 1, 64 Stat. 123, related to contempts, and is now covered by section 848 of Title 10.

Section 624, act May 5, 1950, ch. 169, § 1, 64 Stat. 123, related to depositions, and is now covered by section 849 of Title 10.

Section 625, act May 5, 1950, ch. 169, § 1, 64 Stat. 124, provided for admissibility of records of courts of inquiry, and is now covered by section 850 of Title 10.

Section 626, act May 5, 1950, ch. 169, § 1, 64 Stat. 124, provided for methods of voting and rulings, and is now covered by section 851 of Title 10.

Section 627, act May 5, 1950, ch. 169, § 1, 64 Stat. 125, prescribed the number of votes required, and is now covered by section 852 of Title 10.

Section 628, act May 5, 1950, ch. 169, 64 Stat. 125, required every court-martial to announce its findings and sentence, and is now covered by section 853 of Title 10.

Section 629, act May 5, 1950, ch. 169, § 1, 64 Stat. 125, related to the record of the trial, and is now covered by section 854 of Title 10.

SUBCHAPTER VIII.—SENTENCES

§§ 636 to 639. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 636, act May 5, 1950, ch. 169, § 1, 64 Stat. 126, prohibited cruel and unusual punishments, and is now covered by section 855 of Title 10, Armed Forces.

Section 637, act May 5, 1950, ch. 169, § 1, 64 Stat. 126, related to maximum limits of punishment, and is now covered by section 856 of Title 10.

Section 638, act May 5, 1950, ch. 169, § 1, 64 Stat. 126, provided for the effective date of sentences, and is now covered by section 857 of Title 10.

Section 639, act May 5, 1950, ch. 169, § 1, 64 Stat. 126, related to execution of confinement, and is now covered by section 854 of Title 10.

SUBCHAPTER IX.—REVIEW OF COURTS-MARTIAL

§§ 646 to 663. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 646, act May 5, 1950, ch. 169, § 1, 64 Stat. 127, related to errors of law and to lesser included offense, and is now covered by section 859 of Title 10, Armed Forces.

Section 647, act May 5, 1950, ch. 169, § 1, 64 Stat. 127, provided for initial action on the record, and is now covered by section 860 of Title 10.

Section 648, act May 5, 1950, ch. 169, § 1, 64 Stat. 127, provided for initial action on general court-martial records, and is now covered by section 861 of Title 10.

Section 649, act May 5, 1950, ch. 169, § 1, 64 Stat. 127, provided for reconsideration and revision, and is now covered by section 862 of Title 10.

Sections 650, act May 5, 1950, ch. 169, § 1, 64 Stat. 127, related to rehearings, and is now covered by section 863 of Title 10.

Section 651, act May 5, 1950, ch. 169, § 1, 64 Stat. 128, related to approval by the convening authority, and is now covered by section 864 of Title 10.

Section 652, act May 5, 1950, ch. 169, § 1, 64 Stat. 128, provided for disposition of records after review by the convening authority, and is now covered by section 865 of Title 10.

Section 653, act May 5, 1950, ch. 169, § 1, 64 Stat. 128, provided for review by the board of review, and is now covered by section 866 of Title 10.

Section 654, acts May 5, 1950, ch. 169, § 1, 64 Stat. 130; Mar. 2, 1955, ch. 9, § 1 (i), 69 Stat. 10, provided for review by the Court of Military Appeals, and is now covered by section 867 of Title 10.

Section 655, act May 5, 1950, ch. 169, § 1, 64 Stat. 130, authorized the establishment of branch offices of The Judge Advocate General, and is now covered by section 868 of Title 10.

Section 656, act May 30, 1950, ch. 169, § 1, 64 Stat. 130, provided for review in the office of The Judge Advocate General, and is now covered by section 869 of Title 10.

Section 657, act May 5, 1950, ch. 169, § 1, 64 Stat. 130, provided for appellate counsel, and is now covered by section 870 of Title 10.

Section 658, act May 5, 1950, ch. 169, § 1, 64 Stat. 131, provided for execution of sentence and suspension of sentence, and is now covered by section 871 of Title 10.

Section 659, act May 5, 1950, ch. 169, § 1, 64 Stat. 131, related to vacation of suspension of a court-martial sentence, and is now covered by section 872 of Title 10.

Section 660, act May 5, 1950, ch. 169, § 1, 64 Stat. 132, provided for a petition for a new trial, and is now covered by section 873 of Title 10.

Section 661, act May 5, 1950, ch. 169, § 1, 64 Stat. 132, authorized remission and suspension of sentences, and is now covered by section 874 of Title 10.

Section 662, act May 5, 1950, ch. 169, § 1, 64 Stat. 132, related to restoration of rights, privileges, and property, and is now covered by section 875 of Title 10.

Section 663, act May 5, 1950, ch. 169, § 1, 64 Stat. 132, related to finality of court-martial judgments, and is now covered by section 876 of Title 10.

SUBCHAPTER X.—PUNITIVE ARTICLES

§§ 671 to 728. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 671, act May 5, 1950, ch. 169, § 1, 64 Stat. 134, defined the term "principal", and is now covered by section 877 of Title 10, Armed Forces.

Section 672, act May 5, 1950, ch. 169, § 1, 64 Stat. 134, related to accessories after the fact, and is now covered by section 878 of Title 10.

Section 673, act May 5, 1950, ch. 169, § 1, 64 Stat. 134, authorized conviction of lesser included offense, and is now covered by section 879 of Title 10.

Section 674, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to attempts, and is now covered by section 880 of Title 10.

Section 675, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to conspiracy, and is now covered by section 881 of Title 10.

Section 676, act May 5, 1950, ch. 169, § 1, 64 Stat. 134, related to solicitation, and is now covered by section 882 of Title 10.

Section 677, act May 5, 1950, ch. 169, § 1, 64 Stat. 134, related to fraudulent enlistment, appointment, or separation, and is now covered by section 883 of Title 10.

Section 678, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to unlawful enlistment, appointment, or separation, and is now covered by section 884 of Title 10.

Section 679, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, provided for desertion, and is now covered by section 885 of Title 10.

Section 680, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to absence without leave, and is now covered by section 886 of Title 10.

Section 681, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to missing movement of a ship, aircraft, or unit, and is now covered by section 887 of Title 10.

Section 682, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to contempt towards officials, and is now covered by section 888 of Title 10.

Section 683, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to disrespect towards superior officer, and is now covered by section 889 of Title 10.

Section 684, act May 5, 1950, ch. 169, § 1, 64 Stat. 135, related to assaulting or willfully disobeying officer, and is now covered by section 890 of Title 10.

Section 685, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to insubordinate conduct towards noncommissioned officer, and is now covered by section 891 of Title 10.

Section 686, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to failure to obey order or regulation, and is now covered by section 892 of Title 10.

Section 687, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to cruelty and maltreatment, and is now covered by section 893 of Title 10.

Section 688, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to mutiny or sedition, and is now covered by section 894 of Title 10.

Section 689, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to arrest and confinement, and is now covered by section 895 of Title 10.

Section 690, act May 5, 1950, ch. 169, § 1, 64 Stat. 136, related to releasing prisoner without proper authority, and is now covered by section 896 of Title 10.

Section 691, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to unlawful detention of another, and is now covered by section 897 of Title 10.

Section 692, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to noncompliance with procedural rules, and is now covered by section 898 of Title 10.

Section 693, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to misbehavior before the enemy, and is now covered by section 899 of Title 10.

Section 694, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to subordinate compelling surrender, and is now covered by section 900 of Title 10.

Section 695, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to improper use of countersign, and is now covered by section 901 of Title 10.

Section 696, act May 5, 1950, ch. 169, § 1, 64 Stat. 137, related to forcing a safeguard, and is now covered by section 902 of Title 10.

Section 697, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to captured or abandoned property, and is now covered by section 903 of Title 10.

Section 698, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to aiding the enemy, and is now covered by section 904 of Title 10.

Section 699, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to misconduct as a prisoner, and is now covered by section 905 of Title 10.

Section 700, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to spies, and is now covered by section 906 of Title 10.

Section 701, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to false official statements, and is now covered by section 907 of Title 10.

Section 702, act May 5, 1950, ch. 169, § 1, 64 Stat. 138, related to loss, damage, destruction, or wrongful disposition of military property, and is now covered by section 908 of Title 10.

Section 703, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to waste, spoil or destruction of property other than military property and is now covered by section 909 of Title 10.

Section 704, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to improper hazarding of vessel, and is now covered by section 910 of Title 10.

Section 705, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to drunken or reckless driving, and is now covered by section 911 of Title 10.

Section 706, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to drunk on duty, and is now covered by section 912 of Title 10.

Section 707, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to misbehavior of sentinel, and is now covered by section 913 of Title 10.

Section 708, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to dueling, and is now covered by section 914 of Title 10.

Section 709, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to malingering, and is now covered by section 915 of Title 10.

Section 710, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to riot or breach of peace, and is now covered by section 916 of Title 10.

Section 711, act May 5, 1950, ch. 169, § 1, 64 Stat. 139, related to provoking speeches or gestures, and is now covered by section 917 of Title 10.

Section 712, act May 5, 1950, ch. 169, § 1, 64 Stat. 140, related to murder, and is now covered by section 918 of Title 10.

Section 713, act May 5, 1950, ch. 169, § 1, 64 Stat. 140, related to manslaughter, and is now covered by section 919 of Title 10.

Section 714, act May 5, 1950, ch. 169, § 1, 64 Stat. 140, related to rape and carnal knowledge, and is now covered by section 920 of Title 10.

Section 715, act May 5, 1950, ch. 169, § 1, 64 Stat. 140, related to larceny and wrongful appropriation, and is now covered by section 921 of Title 10.

Section 716, act May 5, 1950, ch. 169, § 1, 64 Stat. 140, related to robbery, and is now covered by section 922 of Title 10.

Section 717, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to forgery, and is now covered by section 923 of Title 10.

Section 718, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to maiming, and is now covered by section 924 of Title 10.

Section 719, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to sodomy, and is now covered by section 925 of Title 10.

Section 720, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to arson, and is now covered by section 926 of Title 10.

Section 721, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to extortion, and is now covered by section 927 of Title 10.

Section 722, act May 5, 1950, ch. 169, § 1, 64 Stat. 141, related to assault, and is now covered by section 928 of Title 10.

Section 723, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, related to burglary, and is now covered by section 929 of Title 10.

Section 724, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, related to housebreaking, and is now covered by section 930 of Title 10.

Section 725, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, related to perjury, and is now covered by section 931 of Title 10.

Section 726, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, related to frauds against the Government, and is now covered by section 932 of Title 10.

Section 727, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, related to conduct unbecoming an officer and gentleman, and is now covered by section 933 of Title 10.

Section 728, act May 5, 1950, ch. 169, § 1, 64 Stat. 142, was a general article covering offenses not specifically defined, and is now covered by section 934 of Title 10.

SUBCHAPTER XI.—MISCELLANEOUS PROVISIONS

§§ 731 to 739. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section 731, act May 5, 1950, ch. 169, § 1, 64 Stat. 143, related to courts of inquiry, and is now covered by section 935 of Title 10, Armed Forces.

Section 732, act May 5, 1950, ch. 169, § 1, 64 Stat. 143, related to authority to administer oaths and to act as notary, and is now covered by section 936 of Title 10.

Section 733, act May 5, 1950, ch. 169, § 1, 64 Stat. 144, required the reading and explanation of certain sections of this chapter, and is now covered by section 937 of Title 10.

Section 734, act May 5, 1950, ch. 169, § 1, 64 Stat. 144, related to complaints of wrongs, and is now covered by section 938 of Title 10.

Section 735, act May 5, 1950, ch. 169, § 1, 64 Stat. 144, related to redress of injuries to property, and is now covered by section 939 of Title 10.

Section 736, act May 5, 1950, ch. 169, § 1, 64 Stat. 145, authorized the President to delegate his authority, and is now covered by section 940 of Title 10.

Section 737, act May 5, 1950, ch. 169, § 8, 64 Stat. 146, provided for the oath of enlistment, and is now covered by section 501 of Title 10.

Section 738, act May 5, 1950, ch. 169, § 9, 64 Stat. 146, provided for removal of suits, and is now covered by section 1442a of Title 28, Judiciary and Judicial Procedure.

Section 739, act May 5, 1950, ch. 169, § 10, 64 Stat. 146, related to dismissal of officers, and is now covered by sections 1161 and 6408 of Title 10.

§ 740. Amelioration of sentence by Judge Advocate General; new trial; termination of World War II.

Under such regulations as the President may prescribe, The Judge Advocate General of any of the armed forces is authorized upon application of an accused person, and upon good cause shown, in his discretion to grant a new trial, or to vacate a sentence, restore rights, privileges, and property affected by such sentence, and substitute for a dismissal, dishonorable discharge, or bad-conduct discharge, previously executed, a form of discharge authorized for administrative issuance, in any court-martial case involving offenses committed during World War II in which application is made within one year after termination of the war, or after its final disposition upon initial appellate review whichever is the later: *Provided*, That only one such application for a new trial may be entertained with regard to any one case: *And provided further*, Within the meaning of this section and of article of war 53, World War II shall be deemed to have ended as of May 31, 1951. (May 5, 1950, ch. 169, § 12, 64 Stat. 147.)

REFERENCES IN TEXT

Article of War 53, referred to in the text, was formerly set out as section 1525 of Title 10, Army and Air Force. Among other provisions, that section allowed application for new trial to be made one year within termination of World War II. It was repealed by section 14 (a) of act May 5, 1950, and is now covered by this section and section 873 of title 10, Armed Forces.

CODIFICATION

Section was not enacted as a part of the Uniform Code of Military Justice which comprised former chapter 22.

EFFECTIVE DATE

Section effective as of May 5, 1950, see section 5 of act May 5, 1950, ch. 169, 64 Stat. 145.

EX. ORD. NO. 10190. REGULATIONS RELATING TO NEW TRIALS BY COURTS-MARTIAL AND OTHER RELIEF IN NAVY AND COAST GUARD CASES

Ex. Ord. No. 10190, Dec. 6, 1950, 15 F. R. 8711, provided:

1. Petition; basis for remedy. With respect to all trials by general courts-martial which resulted in a conviction and with respect to any trial which resulted in an approved sentence, including a bad-conduct discharge, adjudged by any lesser court-martial for a violation of the Articles for the Government of the Navy or the disciplinary laws of the Coast Guard committed at any time between December 7, 1941, and May 30, 1951, inclusive, an accused may, within one year after final disposition of the case upon initial appellate review or at any time before May 31, 1952, whichever is the later date, petition the Judge Advocate General of the Navy or the General Counsel of the Treasury Department, as may be appropriate, to grant a new trial, or to vacate any sentence adjudged and to restore rights, privileges, or property affected by the sentence, and in a proper case to substitute for a dismissal, dishonorable discharge, or bad-conduct discharge previously executed a form of discharge authorized for administrative issuance. Completion of review and of any confirming, approving, or affirming action taken under the Articles for the Government of the Navy or the disciplinary laws of the Coast Guard, or required under the Uniform Code of Military Justice, when it becomes effective, or any regulations prescribed under such Articles, laws, or Code shall constitute final disposition of a case upon initial appellate review. Only one such petition may be entertained with regard to any one case. The petition may be submitted either by the accused or by his representative, regardless of whether the accused is in the service or has been separated therefrom. A petition may not be submitted after the death of an accused. A petition for relief under section 12 of the said act of May 5, 1950 [this section], shall be acted upon in the department which reviewed the previous trial, except that if the accused is a member of the Coast Guard at the time of his trial and at the time of submission of his petition, the petition shall be acted upon by the department in which the Coast Guard is serving at the time the petition is submitted.

Relief under section 12 of the said act of May 5, 1950 [this section], shall be granted only upon good cause shown. Good cause for granting a new trial, for vacation of a sentence, or for other remedy shall be deemed to exist only if, within the discretion of the Judge Advocate General of the Navy or the General Counsel of the Treasury Department, as the case may be, all the facts and information before him, including the record of trial, the petition, and other matter presented by the accused, affirmatively establish that an injustice has resulted from the findings or sentence.

2. Form of petition; procedure. The petition shall be in writing and signed under oath or affirmation by the accused, or by a person possessing either the power of attorney of the accused for the purpose or the authorization of a court of law to sign the petition as the representative of the accused, and shall be forwarded in triplicate directly to the Judge Advocate General of the Navy, Washington 25, D. C., or the General Counsel of the Treasury Department, Washington 25, D. C., as may be appropriate. So far as practicable, the petition shall be typewritten, with lines double-spaced, and shall contain the following:

(1) The name and serial number of the accused, his address, and the date of trial.

(2) The remedy sought.

(3) The sentence or a description thereof as finally approved or confirmed, together with a statement of any subsequent reduction thereof by clemency or otherwise.

(4) A brief description of any findings or sentence believed unjust.

(5) A full statement of the fact, ruling, or error relied upon as good cause for the remedy sought. No fact, ruling, or error other than matters relating to jurisdiction shall be deemed to constitute good cause unless it had a substantial contributing effect upon the findings of guilty or upon the sentence as finally approved.

(6) The affidavit of each person whom the accused expects to present as a witness in the event of a new trial. Each such affidavit should set forth briefly the relevant facts within the personal knowledge of the affiant.

Upon written request and within his discretion, the Judge Advocate General or the General Counsel of the Treasury Department, as the case may be, may allow oral argument upon a petition. Any hearing granted shall be conducted under rules prescribed by such officer, and the hearing may be before that officer or before an officer or officers designated by him. The Judge Advocate General of the Navy or the General Counsel of the Treasury Department, as the case may be, may cause such additional investigation to be made and such additional evidence to be secured as he may deem appropriate.

Action in granting or denying a remedy under section 12 of the said act of May 5, 1950 [this section], shall be taken by the Judge Advocate General of the Navy or the General Counsel of the Treasury Department in writing signed in his own hand or by his direction. Whenever appropriate, the action granting a remedy shall be published in appropriate departmental orders.

If a new trial is granted by the Judge Advocate General of the Navy or the General Counsel of the Treasury Department upon the petition of the accused, he shall cause the accused to be brought before a new court convened by an officer possessing authority to convene an appropriate court-martial and designated for the purpose by the Judge Advocate General or the General Counsel. The new trial shall be on the same charges and specifications originally preferred against the accused unless the reasons for retrial are based on defects in the charges or specifications, in which case new charges and specifications shall be prepared correcting the pleading previously objected to, but the accused shall not be tried for any offense of which he was found not guilty by the first court. Upon the granting of a new trial, the proceedings, findings, and sentence relating to the previous trial shall be set aside by the Judge Advocate General of the Navy or the General Counsel of the Treasury Department, as the case may be: *Provided*, that if the accused has been separated from the service, such proceedings, findings, and sentence shall not be set aside when the new trial is granted but shall be set aside after initial appellate review of the new trial.

The new trial shall be held at such time and place as the convening authority may direct.

The presentation of a petition shall not operate to stay execution of a sentence.

§ 741. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, eff. Jan. 1, 1957.

Section, act May 5, 1950, ch. 169, § 13, 64 Stat. 147, prescribed the qualifications of the Judge Advocate Generals of the armed forces, and is now covered by sections 3037, 5148, and 8072 of Title 10, Armed Forces.

Chapter 22A.—REPRESENTATION OF ARMED FORCES PERSONNEL BEFORE FOREIGN JUDICIAL TRIBUNALS

§§ 751 to 755. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570.

Sections 751-755, act July 24, 1956, ch. 689, §§ 1-5, 70 Stat. 630, related to representation of Armed Forces personnel before foreign judicial tribunals, employment of counsel, claims for reimbursement, and appropriations, and are now covered by section 1037 of Title 10, Armed Forces. See, also, section 3106 of Title 5, Government Organization and Employees.

Chapter 23.—INTERNAL SECURITY

SUBCHAPTER I.—CONTROL OF SUBVERSIVE ACTIVITIES

Sec.
781. Congressional finding of necessity.
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791. Subversive Activities Control Board.
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(d) Right of reappointment; ineligibility to engage in other business.
(e) Duties of Board.
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APPLICATION TO COMMUNIST PARTY MEMBERS

Application of subchapters I and II of this chapter and other provisions of the Internal Security Act of 1950, as amended, to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 26 section 3121.

SUBCHAPTER I.—CONTROL OF SUBVERSIVE ACTIVITIES

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this subchapter to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 781. Congressional finding of necessity.

As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress finds that—

(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The Communist action organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In carrying on the activities referred to in paragraph (6) of this section, such Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as "Communist fronts", which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such "Communist fronts".

(8) Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world, travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of activities to further the purposes of the Communist movement.

(9) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States, and in effect transfer their allegiance to the foreign country in which is vested the direc-

tion and control of the world Communist movement.

(10) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(11) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law.

(12) The Communist network in the United States is inspired and controlled in large part by foreign agents who are sent into the United States ostensibly as attachés of foreign legations, affiliates of international organizations, members of trading commissions, and in similar capacities, but who use their diplomatic or semidiplomatic status as a shield behind which to engage in activities prejudicial to the public security.

(13) There are, under our present immigration laws, numerous aliens who have been found to be deportable, many of whom are in the subversive, criminal, or immoral classes who are free to roam the country at will without supervision or control.

(14) One device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society.

(15) The Communist movement in the United States is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force and violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries have aided in supplanting existing governments. The Communist organization in the United States, pursuing its stated objectives, the recent successes of Communist methods in other countries, and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such worldwide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(16) The findings of fact contained in paragraphs (1) through (15) of this section are reiterated. Recent court decisions involving the registration provisions of this subchapter make it necessary to enact legislation to accomplish the purposes of this subchapter without the requirements of registration. Disclosure of Communist organizations and of the members of Communist-action organizations as provided in this subchapter is essential to the protection of the national welfare.

(Sept. 23, 1950, ch. 1024, title I, § 2, 64 Stat. 987; Jan. 2, 1968, Pub. L. 90-237, § 1, 81 Stat. 765.)

AMENDMENTS

1968—Par. (16). Pub. L. 90-237 added par. (16).

SHORT TITLE OF ACT

Congress, in enacting this chapter, the amendments to [former] sections 137 to 137-8, 156, 456, 457, 704, 705, 725, 729, 733, 734, 735 of Title 8 [now covered by subchapters II and III of chapter 12 of Title 8], and to section 793 of Title 18, section 1507 of Title 18, and the amendments to sections 611 and 618 of Title 22, provided by a provision preceding section 1 of act Sept. 23, 1950, that they should be popularly known as the "Internal Security Act of 1950".

SHORT TITLE OF SUBCHAPTER

Congress in enacting this subchapter, and the amendatory provisions cited in "Short Title of Act" note under this section, provided by section 1 (a) of act Sept. 23, 1950 that they should be popularly known as the "Subversive Activities Control Act of 1950".

SEPARABILITY OF PROVISIONS

Section 32 of act Sept. 23, 1950, provided: "If any provision of this title [this subchapter, (former) sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8 (now covered by subchapters II and III of chapter 12 of Title 8), sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22], or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title [this subchapter and said sections], or the application of such provision to other persons or circumstances, shall not be affected thereby."

EXECUTIVE ORDER NO. 10207

Ex. Ord. No. 10207, Jan. 24, 1951, 16 F. R. 709, establishing the President's Commission on Internal Security and Individual Rights, was revoked by Ex. Ord. No. 10305, Nov. 16, 1951, 16 F. R. 11667.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

COMMISSION ON GOVERNMENT SECURITY

Joint resolution Aug. 9, 1955, ch. 664, 69 Stat. 595, as amended by joint resolution July 25, 1956, ch. 715, 70 Stat. 634, provided for the establishment of a Commission on Government Security to study and investigate the entire Government security program, including the various statutes, Presidential orders, and administrative regulations and directives under which the Government protects the national security, nation defense secrets, and public and private defense installations, against loss or injury arising from espionage, disloyalty, subversive activity, sabotage, or unauthorized disclosures, together with the actual manner in which such statutes, Presidential orders, administrative regulations, and directives have been administered and implemented, with a view to determining whether existing requirements, practices, and procedures were in accordance with announced policies and to recommend necessary or desirable charges. The Commission was directed to submit interim reports to the Congress and the President at such time or times as it deemed advisable, and to submit its final report to the Congress and the President not later than June 30, 1957. In its final report, the Commission was authorized to propose such legislative enactments and administrative actions as in its judgment were necessary to carry out its recommendations. The Commission ceased to exist ninety days after submission of its final report.

INSPECTION OF TAX RETURNS

Inspection of income, excess-profits, declared-value excess-profits, capital-stock, estate and gift tax returns for the years 1945 to 1958 by the Senate Committee on the Judiciary or by any authorized subcommittee thereof, in connection with its investigation of enforcement of section 781 et seq. of this title as authorized see Ex. Ord. No. 10808, Mar. 19, 1959, 24 F.R. 2221, referred to in a note under section 6103 of Title 26.

CROSS REFERENCES

Commissioner of Immigration and Naturalization, liaison with internal security officers, see section 1105 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 782, 792, 792a of this title.

§ 782. Definitions

For the purposes of this subchapter, sections 137 to 137–8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22—

(1) The term "person" means an individual or an organization.

(2) The term "organization" means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects.

(3) The term "Communist-action organization" means any organization in the United States (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 781 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement referred to in section 781 of this title.

(4) The term "Communist-front organization" means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, or (B) is substantially directed, dominated, or controlled by one or more members of a Communist-action organization, and (C) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 781 of this title.

(4A) The term "Communist-infiltrated organization" means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement, referred to in section 781 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a "Communist-infiltrated organization".

(5) The term "Communist organization" means any Communist-action organization, Communist-front organization, or Communist infiltrated organization.

(6) The term "to contribute funds or services" includes the rendering of any personal service and the making of any gift, subscription, loan, advance, or deposit, of money or of anything of value, and also the making of any contract, promise, or agreement to contribute funds or services, whether or not legally enforcible.

(7) The term "facility" means any plant, factory or other manufacturing, producing or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility, laboratory, station, or other establishment or facility, or any part, division, or department of any of the foregoing. The term "defense facility" means any facility designated by the Secretary of Defense pursuant to section 784(b) of this title and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation.

(8) The term "publication" means any circular, newspaper, periodical, pamphlet, book, letter, post card, leaflet, or other publication.

(9) The term "United States", when used in a geographical sense, includes the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone.

(10) The term "interstate or foreign commerce" means trade, traffic, commerce, transportation, or communication (A) between any State, Territory, or possession of the United States (including the Canal Zone), or the District of Columbia, and any place outside thereof, or (B) within any Territory or possession of the United States (including the Canal Zone), or within the District of Columbia.

(11) The term "Board" means the Subversive Activities Control Board created by section 791 of this title.

(12) The term "final order of the Board" means an order issued by the Board under section 792 or 792a of this title, which has become final as provided in section 793 of this title.

(13) The term "advocates" includes advises, recommends, furthers by overt act, and admits belief in; and the giving, loaning, or promising of support or of money or anything of value to be used for advocating any doctrine shall be deemed to constitute the advocating of such doctrine.

(14) The term "world communism" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian

dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist movement.

(15) The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(16) The term "doctrine" includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(17) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be conclusively presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(18) "Advocating the economic, international, and governmental doctrines of world communism" means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(19) "Advocating the economic and governmental doctrines of any other form of totalitarianism" means advocating the establishment of totalitarianism (other than world communism) and includes, but is not limited to, advocating the economic and governmental doctrines of fascism and nazism.

(Sept. 23, 1950, ch. 1024, title I, § 3, 64 Stat. 989; Aug. 24, 1954, ch. 886, § 7 (a), (b), 68 Stat. 777; May 31, 1962, Pub. L. 87–474, § 1(a), 76 Stat. 91; Jan. 2, 1968, Pub. L. 90–237, § 2(a), (b), 81 Stat. 765.)

REFERENCES IN TEXT

Sections 137 to 137–8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in the opening paragraph, were repealed by act June 27, 1952, ch. 477, title IV, § 403 (a) (13) (16) (39) (42), 66 Stat. 278, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in first par. was repealed Aug. 1, 1956, ch. 849, § 1, 70 Stat. 899.

AMENDMENTS

1968—Par. (3). Pub. L. 90–237, § 2(a), eliminated provisions which included sections, branches, fractions, or cells of Communist-action organizations which have not complied with the registration requirements of this subchapter in the definition of "Communist-action organization".

Par. (4). Pub. L. 90–237, § 2(a), included organizations substantially directed, dominated, or controlled by one or more members of a Communist-action organization in the definition of "Communist-front organization."

Par. (12). Pub. L. 90–237, § 2(b), inserted the reference to section 792a of this title.

1962—Par. (7). Pub. L. 87–474 eliminated the requirement to proclaim the designated facility, and to include it on the list published and currently in effect under section 784(b) of this title.

1954—Par. (4A). Act Aug. 24, 1954, § 7(a) inserted par. (4A) defining "Communist-infiltrated organization."

Par. (5). Act Aug. 24, 1954, § 7(b), extended the definition of "Communist organization" so that it would also cover any Communist-infiltrated organization.

APPLICATION TO COMMUNIST PARTY MEMBERS

Members of the Communist Party and other subversive organizations as subject to this section, as being members of "Communist-action" organizations defined in this section, see section 843 of this title, and References in Text note under that section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 783, 784, 785, 789, 791, 792a of this title; title 20 section 581; title 42 section 1874.

§ 783. Offenses.

(a) Conspiracy or attempt to establish totalitarian dictatorship.

It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 782 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however,* That this subsection shall not apply to the proposal of a constitutional amendment.

(b) Communication of classified information by Government officer or employee.

It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

(c) Receipt of, or attempt to receive, by foreign agent or member of Communist organization, classified information.

It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of

the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

(d) Penalties for violation.

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

(e) Limitation period.

Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided,* That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

(f) Membership as not violation per se.

Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute. (Sept. 23, 1950, ch. 1024, title I, § 4, 64 Stat. 991; Jan. 2, 1968, Pub. L. 90–237, § 3, 81 Stat. 765.)

AMENDMENTS

1968—Subsec. (f). Pub. L. 90–237 deleted the prohibition against receiving the fact of the registration of any person under section 787 or 788 of this title as an officer or member of any Communist organization in evidence against such person in any prosecution for any alleged violation of subsection (a) or (c) of this section or for any alleged violation of any other criminal statute.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title. and References in Text note under that section.

CROSS REFERENCES

Classified information, penalty for disclosure, see section 798 of Title 18, Crimes and Criminal Procedure.

Diplomatic codes and correspondence, disclosure of matters relating thereto, penalty for, see section 952 of Title 18, Crimes and Criminal Procedure.

Federal retirement benefits, forfeiture upon conviction of offense described hereunder, see section 8312 of Title 5, Government Organization and Employees.

Felony, definition of, see section 1 of Title 18, Crimes and Criminal Procedure.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

Limitation periods generally, see section 3281 et seq. of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 792a of this title; title 5 section 8312; title 42 section 402.

§ 784. Employment of members of Communist organizations.

(a) Failure to disclose membership; defense facilities; contribution of funds, services or advice by Government personnel.

When there is in effect a final order of the Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful—

(1) For any member of such organization, with knowledge or notice of such final order of the Board—

(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

(B) to hold any nonelective office or employment under the United States; or

(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility; or

(E) to hold office or employment with any labor organization, as that term is defined in section 152(5) of Title 29, or to represent any employer in any matter or proceeding arising or pending under the National Labor Relations Act, as amended.

(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice of such final order of the Board—

(A) to contribute funds or services to such organization; or

(B) to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of paragraph (1) of this subsection.

(b) Designation of defense facilities by Secretary of Defense; posting by management and sufficiency thereof as notice; employee's statement of knowledge of designation.

The Secretary of Defense is authorized and directed to designate facilities, as defined in paragraph (7) of section 782 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall promptly notify the management of any facility so designated, whereupon such management shall immediately post conspicuously notice of such designation in such form and in such place or places as to give notice thereof to all employees of, and to all applicants for employment in, such facility. Such posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby. Upon the request of the Secretary, the management of any facility so designated shall require each employee of the facility, or any part thereof, to sign a statement that he knows that the facility has, for the purposes of this subchapter, been designated by the Secretary under

this subsection. (Sept. 23, 1950 ,ch. 1024, title I, § 5, 64 Stat. 992; Aug. 24, 1954, ch. 886, §§ 6, 7(c), 68 Stat. 777, 778; May 31, 1962, Pub. L. 87–474, § 1(b), 76 Stat. 91; Jan. 2, 1968, Pub. L. 90–237, § 4, 81 Stat. 765.)

REFERENCES IN TEXT

The National Labor Relations Act, as amended, referred to in subsec. (a)(1)(E), is classified to section 151 et seq. of Title 29, Labor.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90–237 substituted "When there is in effect a final order of the Board determining any organization to be a Communist action organization or a Communist-front organization" for "When a Communist organization, as defined in paragraph (5) of section 782 of this title, is registered or there is in effect a final order of the Board requiring such organization to register" in the opening par., and "with knowledge or notice of such final order of the Board" for "with knowledge or notice that such organization is so registered or that such order has become final" in pars. (1) and (2).

1962—Subsec. (b). Pub. L. 87–474 eliminated provisions which directed the Secretary of Defense to proclaim, and from time to time revise, a list of defense facilities and which required publication of such list in the Federal Register, and inserted provisions making the posting of the list sufficient to give notice of the designation as a defense facility, and requiring the management of any facility so designated, upon the request of the Secretary, to obtain a signed statement from each employee that he knows that the facility has been so designated.

1954—Subsec. (a) (1) (D). Act Aug. 24, 1954, § 6, substituted "; or" for the period at the end thereof.

Subsec. (a) (1) (E). Act Aug. 24, 1954, §6.

Former subsec. (c), which provided that, as used in this section, the term "member" should not include any individual whose name had not been made public "because of the prohibition contained in section 788 (b) of this title", was repealed by act Aug. 24, 1954, § 7 (c).

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Penalties for violation of this section, see section 794 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 782, 794 of this title.

§ 785. Denial of passports to members of Communist organizations.

(a) When a Communist organization as defined in paragraph (5) of section 782 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

(2) to use or attempt to use any such passport.

(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization. (Sept. 23, 1950, ch. 1024, title I, § 6, 64 Stat. 993; Aug. 24, 1954, ch. 886, § 7(c), 69 Stat. 778.)

AMENDMENTS

1954—Act Aug. 24, 1954, repealed former subsec. (c) which provided that, as used in this section, the term "member" should not include any individual whose name had not been made public "because of the prohibition contained in section 788(b) of this title".

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Passports, offenses in connection with, see section 1541 et seq. of Title 18, Crimes and Criminal Procedure.

Penalties for violation of this section, see section 794 of this title.

Persons entitled to passports, see section 212 of Title 22, Foreign Relations and Intercourse.

§§ 786, 787. Repealed. Pub. L. 90–237, § 5, Jan. 2, 1968, 81 Stat. 766.

Section 786, acts Sept. 23, 1950, ch. 1024, title I, § 7, 64 Stat. 993; July 29, 1954, ch. 646, 68 Stat. 586, related to the registration of Communist-action and Communist-front organizations with the Attorney General, the preparation and filing of a registration statement and subsequent annual reports by such organizations, the duty of such organizations to keep certain specified records and accounts, the duty of the Attorney General to notify individuals listed in any registration statement as an officer or member of such organization that such individual is so listed, the investigation and determination of denials of membership and the petition for relief in cases where the Attorney General declines or fails to strike the name of any individual from an annual report or registration statement.

Section 787, act Sept. 23, 1950, ch. 1024, title I, § 8, 64 Stat. 995, related to the registration of members of Communist-action organizations with the Attorney General and the preparation and filing of a registration statement by such individuals.

§ 788. Records of final orders of board; public inspection; reports to President and Congress.

(a) The Board shall keep and maintain records, which shall be open to public inspection, giving the names and addresses of all organizations as to which, and individuals as to whom, there are in effect final orders of the Board issued pursuant to any of the provisions of subsections (g) through (j), inclusive, of section 792 of this title, or subsection (f) of section 792a of this title.

(b) Copies of all public proceedings and hearings before the Board, including the reports and orders of the Board, shall be furnished by the Board to any person upon request and upon the payment of the reasonable costs thereof as then currently fixed by the Board.

(c) The Board shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report giving the names and addresses of all Communist-action, Communist-front, or Communist-infiltrated organizations as to which, and all individual members of Communist-action organizations as to whom, there are in effect such final orders of the Board. (Sept. 23, 1950, ch. 1024, title I, § 9, 64 Stat. 995); Jan. 2, 1968, Pub. L. 90–237, § 6, 81 Stat. 766.)

AMENDMENTS

1968—Pub. L. 90–237 substituted provisions requiring the Board to keep and maintain records giving the names and addresses of all organizations as to which, and individuals as to whom, there are in effect final orders of

the Board, making copies of all public proceedings and hearings before the Board available to any person upon request, and providing for reports to the President and Congress by the Board for provisions which required the Attorney General to keep and maintain separate Registers of Communist-action and Communist-front organizations, made such registers available for public inspection, and provided for reports to the President and Congress by the Attorney General and the publication of the fact of registration in the Federal Register.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 784, 792, 792a of this title.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Publication in Federal Register as presumption of validity, see section 1507 of Title 44, Public Printing and Documents.

§ 789. Use of mails and instrumentalities of interstate or foreign commerce.

It shall be unlawful for any organization with respect to which there is in effect, a final order of the Board determining it to be a Communist organization as defined in paragraph (5) of section 782 of this title, or for any person with knowledge or notice of such final order acting for on behalf of any such organization—

(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General: "Disseminated by _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be); or

(2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement: "The following program is sponsored by _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist-_____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be); or

(3) to use the United States mails or any means, facility, or instrumentality of interstate or foreign commerce, including but not limited to radio and television broadcasts, to solicit any money, property, thing, or service, unless such solicitation if made orally is preceded by the following statement, and if made in writing or in print is preceded by the following written or printed statement: "This solicitation is made for or on behalf of _____," (with the name of the organization in lieu of the blank) "an organization determined by final order of the Subversive Activities Control Board to be a Communist- _____ organization" (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be).

(Sept. 23, 1950, ch. 1024, title I, § 10, 64 Stat. 996; Aug. 24, 1954, ch. 886, § 8(a), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90–237, § 7, 81 Stat. 766.)

AMENDMENTS

1968—Opening par. Pub. L. 90–237 substituted "any organization with respect to which there is in effect a final order of the Board determining it to be a Communist organization as defined in paragraph (5) of section 782 of this title" for "any organization which is registered under section 786 of this title, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under said section or determining that it is a Communist-infiltrated organization", and inserted "with knowledge or notice of such final order" following "any person".

Par. (1). Pub. L. 90–237 substituted "'Disseminated by ———,' (with the name of the organization in lieu of the blank) 'an organization determined by final order of the Subversive Activities Control Board to be a Communist- ——— organization' (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be)" for "with the name of the organization appearing in lieu of the blank: 'Disseminated by ———, a Communist organization'."

Par. (2). Pub. L. 90–237 substituted "'The following program is sponsored by ———,' (with the name of the organization in lieu of the blank) 'an organization determined by final order of the Subversive Activities Control Board to be a Communist——— organization' (setting forth in lieu of the blank whether action, front, or infiltrated, as the case may be)" for "with the name of the organization being stated in place of the blank: 'The following program is sponsored by ———, a Communist organization'."

Par. (3). Pub. L. 90–237 added par. (3).

1954—Act Aug. 24, 1954, in opening par., inserted "or determining that it is a Communist-infiltrated organization".

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Penalties for violation of this section, see section 794 (c) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 794 of this title.

§ 790. Denial of tax deductions and exemptions.

(a) Notwithstanding any other provision of law, no deduction for Federal income tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization.

(b) No organization shall be entitled to exemption from Federal income tax, under section 501 of Title 26, for any taxable year if at any time during such taxable year there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization. (Sept. 23, 1950, ch. 1024,

title I, § 11, 64 Stat. 996; Aug. 24, 1954, ch. 886, § 8 (b), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90-237, § 8, 81 Stat. 767.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-237 substituted "there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front, or Communist-infiltrated organization" for "(1) such organization is registered under section 786 of this title, or (2) there is in effect a final order of the Board requiring such organization to register under section 786 of this title or determining that it is a Communist-infiltrated organization".

Subsec. (b). Pub. L. 90-237 substituted "section 501 of Title 26" for "section 101 of Title 26" and "there is in effect a final order of the Board determining such organization to be a Communist-action, Communist-front or Communist-infiltrated organization" for "(1) such organization is registered under section 786 of this title, or (2) there is in effect a final order of the Board requiring such organization to register under section 786 of this title or determining that it is a Communist-infiltrated organization".

1954—Subsecs. (a) and (b). Act Aug. 24, 1954, inserted "or determining that it is a Communist-infiltrated organization" at the end of each of those subsections.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 791. Subversive Activities Control Board.

(a) Creation; membership; designation of Chairman; removal.

There is established a board, to be known as the Subversive Activities Control Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party. The terms of office of the members of the Board in office on August 5, 1955, shall expire at the time they would have expired if such Act had not been enacted. The term of office of each member of the Board appointed after August 5, 1955, shall be for five years from the date of expiration of the term of his predecessor, except that (1) the term of office of that member of the Board who is designated by the President and is appointed to succeed one of the two members of the Board whose terms expire on August 9, 1955, shall be for four years from the date of expiration of the term of his predecessor, and (2) the term of office of any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be for the remainder of the term of his predecessor. Upon the expiration of his term of office a member of the Board shall continue to serve until his successor shall have been appointed and shall have qualified. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) Vacancies; powers of remaining members; quorum; official seal; judicial notice.

A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) Reports to Congress and President.

The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

(d) Right of reappointment; ineligibility to engage in other business.

Each member of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

(e) Duties of Board.

It shall be the duty of the Board—

(1) upon application made by the Attorney General under section 792(a) of this title, or by any organization under section 792(b) of this title, to determine whether any organization is a "Communist-action organization" within the meaning of paragraph (3) of section 782 of this title, or a "Communist-front organization" within the meaning of paragraph (4) of section 782 of this title; and

(2) upon application made by the Attorney General under section 792(a) of this title, or by any individual under section 792(b) of this title, to determine whether any individual is a member of any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization; and

(3) upon any application made under subsection (a) or subsection (b) of section 792a of this title, to determine whether any organization is a Communist-infiltrated organization.

(f) Appointment and compensation of personnel.

Subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5, the Board may appoint and fix the compensation of a chief clerk and such examiners and other personnel as may be necessary for the performance of its functions.

(g) Rules and regulations.

The Board may make such rules and regulations, not inconsistent with the provisions of this subchapter, sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22, as may be necessary for the performance of its duties.

(h) Authorization for appropriations.

There are authorized to be appropriated to the Board such sums as may be necessary to carry out its functions.

(i) Termination of existence; reports to Congress.

The Board shall cease to exist on June 30, 1969, unless in the period beginning on January 2, 1968 and ending on December 31, 1968, a proceeding under this subchapter shall have been instituted before the Board and a hearing under this subchapter shall have been conducted by the Board. On or before June 30, 1968, the Attorney General shall report

to the Congress on the proceedings he has instituted before the Board under this subchapter during the period from January 2, 1968 to the date of the report, and the Board shall report on the progress it has made in conducting hearings under this subchapter during such period. If no proceedings have been instituted before the Board by the Attorney General, the Attorney General shall report his reasons for not having done so. If no hearings have been conducted the Board shall report the reasons for not having done so. Similar reports shall be filed by the Attorney General and the Board on or before January 10, 1969, and each year thereafter, to cover the immediately preceding calendar year. (Sept. 23, 1950, ch. 1024, title I, § 12, 64 Stat. 977; July 12, 1952, ch. 697, 66 Stat. 590; Aug. 24, 1954, ch. 886, § 9(a), 68 Stat. 778; Aug. 5, 1955, ch. 580, § 1, 69 Stat. 539; Jan. 2, 1968, Pub. L. 90–237, § 9, 81 Stat. 767.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (a), means the Subversive Activities Control Board Tenure Act, act Aug. 5, 1955, ch. 580, 69 Stat. 539, which amended subsec. (a) of this section.

The civil-service laws referred to in subsec. (f), are classified generally to Title 5, Government Organization and Employees.

Sections 137 to 137–8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in subsec. (g), were repealed by act June 27, 1952, ch. 477, title IV, § 403(a) (13) (16) (39) (42), 66 Stat. 279, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in subsec. (g) was repealed Aug. 1, 1956, c. 849, § 1, 70 Stat. 899.

CODIFICATION

Provisions of subsec. (d) which prescribed the annual salary of members of the Board were omitted to conform to the provisions of the Federal Executive Salary Schedule. See section 5311 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1968—Subsec. (e)(2). Pub. L. 90–237, § 9(a), substituted "any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization" for "any Communist-action organization registered, or by final order of the Board required to be registered, under section 786 (a) of this title".

Subsec. (i). Pub. L. 90–237, § 9(b), added subsec. (i).

1955—Subsec. (a). Act Aug. 5, 1955, provided for staggered terms of office and to increase the term of office of members of the Board from three to five years.

1954—Subsec. (e) (2). Act Aug. 24, 1954, § 9 (a) (1), substituted "; and" for the period at the end thereof.

Subsec. (e) (3). Act Aug. 24, 1954, § 9 (a) (2) added subsec. (e) (3).

1952—Subsec. (d). Act July 12, 1952, increased the salary of Board members from $12,500 to $15,000 per annum.

SHORT TITLE OF 1955 AMENDMENT

Section 2 of act Aug. 5, 1955, provided that the amendment of subsec. (a) of this section by section 1 of act Aug. 5, 1955, should be popularly known as the "Subversive Activities Control Board Tenure Act".

COMPENSATION OF CHAIRMAN OF SUBVERSIVE ACTIVITIES CONTROL BOARD

Compensation of Chairman, see section 5316 of Title 5, Government Organization and Employees.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Willfully resisting, preventing, impeding or interfering with Board member or agent in performance of his duties, penalty for, see section 824 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 782 of this title.

§ 792. Board proceedings with respect to Communist-action or Communist-front organizations.

(a) Petition by Attorney General for determination; verification; contents; joinder of respondents; dissolution of organization subsequent to filing.

Whenever the Attorney General shall have reason to believe that any organization is a Communist-action organization or a Communist-front organization, or that any individual is a member of an organization which has been determined by final order of the Board to be a Communist-action organization, he shall file with the Board and serve upon such organization or individual, as the case may be, a petition for a determination that such organization is a Communist-action or Communist-front organization, or determining that such individual is a member of such Communist-action organization. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support thereof. Two or more such individual members of a Communist-action organization or of any section, branch, fraction, cell, board, committee, commission, or unit thereof, may be joined as respondents in one petition for an order determining each of such individuals to be a member of such organization. A dissolution of any organization subsequent to the date of the filing of any petition for a determination that such organization is a Communist-action or Communist-front organization, shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however,* That if the Board shall find such organization to be a Communist-action or Communist-front organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Board shall enter an order determining such organization to be a Communist-action or Communist-front organization, as the case may be, and the Board shall include it as such in the appropriate records maintained pursuant to section 788 of this title, together with a notation of its dissolution.

(b) Petition by organization or individual for determination; verification; contents; notice and time of hearing.

Any organization as to which there is in effect a final order of the Board determining it to be a Communist-action or Communist-front organization, and any individual as to whom there is in effect a final order of the Board determining such individual to be a member of a Communist-action organization may, not more often than once in each calendar year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-action or Communist-front organization, or that such individual no longer is a member of a Communist-action organization, as the case may be.

Each petition filed under this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice.

(c) Hearings; oaths, examination, evidence, and subpenas; aid of courts; contempt; process; exemption from liability.

Upon the filing of any petition pursuant to subsection (a) or (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witness and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant, to the matter under inquiry. Subpenas may be signed and issued by any member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization or the individual who is a party to the proceedings upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question.

(d) Hearings open to public; rights of parties; record and transcript of testimony; failure to appear; penalty for misbehavior; jurisdiction of courts.

(1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings initiated pursuant to subsection (a) of this section, the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. Upon failure of an organization or individual to appear at a hearing accorded to such organization or individual in proceedings under subsection (b) of this section the Board may forthwith and without further proceedings enter an order dismissing the petition of such organization or individual.

(3) Any person who, in the course of any hearing before the Board or any member thereof or any examiner designated thereby, shall misbehave in their presence or so near thereto as to obstruct the hearing or the administration of the provisions of this subchapter, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whenever a statement of fact constituting such misbehavior is reported by the Board to the appropriate United States attorney, it shall be his duty to bring the matter before the grand jury for its action.

(4) The authority, function, practice, or process of the Attorney General or Board in conducting any proceeding pursuant to the provisions of this subchapter shall not be questioned in any court of the United States, nor shall any such court, or judge or justice thereof, have jurisdiction of any action, suit, petition, or proceeding, whether for declaratory judgment, injunction, or otherwise, to question such authority, function, practice, or process, except on review in the court or courts having jurisdiction of the actions and orders of the Board pursuant to the provisions of section 793 of this title, or when such authority, function, practice, or process, is appropriately called into question by the accused or respondent, as the case may be, in the court or courts having jurisdiction of his prosecution or other proceeding (or the review thereof) for any contempt or any offense charged against him pursuant to the provisions of this subchapter.

(e) Determination of Communist-action organization; matters considered.

In determining whether any organization is a "Communist-action organization", the Board shall take into consideration—

(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 781 of this title; and

(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

(4) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement; and

(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives; and

(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

(f) Determination of Communist-front organization; matters considered.

In determining whether any organization is a "Communist-front organization", the Board shall take into consideration—

(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives or members of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 781 of this title; and

(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 781 of this title; and

(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 781 of this title; and

(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 781 of this title.

(g) Written report of findings; issuance and service of orders granting determination sought by petition of Attorney General.

If, after hearing upon a petition filed under subsection (a) of this section the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be; or

(2) that an individual is a member of a Communist-action organization it shall make a report in writing in which it shall state its findngs as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization.

(h) Written report of findings; issuance and service of orders denying determination sought by petition of Attorney General.

If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such organization; or

(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such individual.

(i) Written report of findings; issuance and service of orders granting determination sought by petition of organization or individual.

If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization no longer is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action organization or Communist-front organization as the case may be; or

(2) that an individual no longer is a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization.

(j) Written report of findings; issuance and service of orders denying determination sought by petition of organization or individual.

If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be; or

(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon such individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization.

(k) Publication in Federal Register of fact of finality of order; publication as notice.

When any order of the Board issued under subsection (g), (h), (i), or (j) of this section becomes final under the provisions of section 793(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all persons that such order has become final. (Sept. 23, 1950, ch. 1024, title I, § 13, 64 Stat. 998; Aug. 24, 1954, ch. 686, § 9(b), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90–237, § 10 (b)—(f), 81 Stat. 768, 769; Oct. 15, 1970, Pub. L. 91–452, title II, § 247, 84 Stat. 931.)

AMENDMENTS

1970—Subsec. (c). Pub. L. 91–452 struck out the provisions which related to the immunity from prosecution of any natural person compelled, as provided for in this subsection, to testify or produce evidence before the Board in obedience to a subpoena issued by it where such testimony or evidence involves self-incrimination.

1968—Subsec. (a). Pub. L. 90–237, § 10(b), substituted provisions providing for the filing, verification and contents of a petition by the Attorney General for a determination that an organization is a Communist-action or Communist-front organization or that an individual is a member of a Communist-action organization, the joinder of two or more individual members of a Communist-action organization in one petition, and the effect of the dissolution of an organization subsequent to the filing of a petition for provisions which provided for the filing, verification and contents of a petition by the Attorney General for an order requiring an organization or individual to register.

Subsec. (b). Pub. L. 90–237, § 10(b), substituted provisions providing for the filing, verification, contents and notice of hearing upon a petition by an organization or individual for a determination that such organization no longer is a Communist-action or Communist-front organization or that such individual no longer is a member of a Communist-action organization for provisions which authorized an application to the Attorney General for the cancellation of registration and an appeal to the Board after the denial of such an application by the Attorney General.

Subsec. (c). Pub. L. 90–237, § 10(c), added the sentence compelling a person to give testimony or produce evidence before the Board in obedience to a subpoena when such testimony or evidence is necessary to accomplish the purposes of this subchapter but giving a natural person immunity from prosecution for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence.

Subsec. (d)(2). Pub. L. 90–237, § 10(d), substituted provisions requiring the Board to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate where an organization or individual declines or fails to appear at a hearing under subsec. (a) of this section and authorizing the Board to dismiss a petition when an organization or individual fails to appear at a hearing under subsec. (b) of this section for provisions which authorized the Board, without further proceedings and without the introduction of any evidence, to enter an order requiring an organization or individual to register or denying the application of such organization or individual where such organization or individual declines or fails to appear at a hearing under this section and to exclude a party or counsel from further participation in a hearing when such party or counsel is guilty of misbehavior which obstructs the hearing.

Subsec. (d)(3). Pub. L. 90–237, § 10(d), added par. (3).

Subsec. (d)(4). Pub. L. 90–237, § 10(d), added par. (4).

Subsec. (f)(1). Pub. L. 90–237, § 10(e), inserted "or members" following "representatives".

Subsec. (g)(1). Pub. L. 90–237, § 10(f), substituted "order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be" for "order requiring such organization to register as such under section 786 of this title".

Subsec. (g)(2). Pub. L. 90–237, § 10(f), deleted "(including an organization required by final order of the Board to register under section 786(a) of this title)" following "Communist-action organization" and substituted "order determining such individual to be a member of a Communist-action organization" for "order requiring him to register as such under section 787 of this title".

Subsec. (h)(1). Pub. L. 90–237, § 10(f), substituted "order denying the determination sought by his petition" for "order denying his petition for an order requiring such organization to register as such under section 786 of this title".

Subsec. (h)(2). Pub. L. 90–237, § 10(f), substituted "order denying the determination sought by his petition" for "order denying his petition for an order requiring such individual to register as such member under section 787 of this title".

Subsec. (i)(1). Pub. L. 90–237, § 10(f), substituted provisions requiring the Board, after determining that an organization no longer is a Communist-action or Communist-front organization, to make a written report of its findings of facts and to issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action or Communist-front organization for provisions which required the Board, after determining that an organization is not a Communist-action or Communist-front organization, to make a written report of its findings of facts, to issue and cause to be served upon the Attorney General an order requiring him to cancel the registration of such organization and relieve it from the requirement of further annual reports, and to send a copy of such order to such organization.

Subsec. (i)(2). Pub. L. 90–237, § 10(f), substituted provisions requiring the Board, after determining that an individual no longer is a member of any Communist-action organization, to make a written report of its findings of fact and to issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization for provisions which required the Board, after determining that an individual is not a member of any Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is not an officer of a Communist-front organization, to make a written report of its findings of facts, to issue and cause to be served upon the Attorney General an order requiring him to (A) strike the name of such individual from the registration statement or annual report upon which it appears or (B) cancel the registration of such individual under section 787 of this title, and to send a copy of such order to such individual.

Subsec. (j)(1). Pub. L. 90–237, § 10(f), substituted "petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be" for "petition

for the cancellation of its registration and for relief from the requirement of further annual reports".

Subsec. (j)(2). Pub. L. 90–237, § 10(f), substituted provisions requiring the Board, after determining that an individual is a member of a Communist-action organization, to make a written report of its findings of facts and to issue and cause to be served upon such individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization for provisions which required the Board, after determining that an individual is a member of a Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is an officer of a Communist-front organization, to make a written report of its findings of facts and to issue and cause to be served on such individual an order denying his petition for an order requiring the Attorney General (A) to strike his name from any registration statement or annual report on which it appears or (B) to cancel the registration of such individual under section 787 of this title.

Subsec. (k). Pub. L. 90–237, § 10(f), substituted "issued under subsection (g), (h), (i), or (j) of this section for "requiring registration of a Communist organization" and "persons" for "members of such organization".

1954—Catchline to section 13 of act Sept. 23, 1950, which is classified to this section, amended by act Aug. 24, 1954, which substituted "Registration proceedings before the Board" for "proceedings before Board".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

SAVINGS PROVISION

Amendment by Pub. L. 91–452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

PROCEEDINGS REGARDING COMMUNIST-INFILTRATED ORGANIZATIONS

Application of subsecs. (c) and (d) of this section to hearings held by Subversive Activities Control Board to determine whether an organization is Communist-infiltrated, see section 792a (d) of this title.

PROCEEDINGS COMPLETED OR PENDING BEFORE BOARD ON OR BEFORE JAN. 2, 1968

Section 14 of Pub. L. 90–237 provided that:

"(a) In the case of any organization which, by proceedings under section 13(a) of the Subversive Activities Control Act of 1950 [subsec. (a) of this section] completed before the date of enactment of this Act [Jan. 2, 1968], has been finally determined by the Subversive Activities Control Board to be a Communist-action organization or a Communist-front organization and has been ordered to register as a result of such determination, the Board shall forthwith modify its previously issued registration order as may be necessary to conform such order to the provisions of section 13(g) of the Subversive Activities Control Act of 1950 [subsec. (g) of this section], as amended by this Act, and shall forthwith include such organization on the record required to be maintained under section 9 of the Subversive Activities Control Act of 1950 [section 788 of this title], as amended by this Act. Nothing in this subsection shall be construed so as to prevent any such organization from filing a petition as provided in subsection (b) of section 13 of the Subversive Activities Control Act of 1950 [subsec. (b) of this section], as amended by this Act.

"(b) In the case of any proceeding pending before the Board on the date of enactment of this Act [Jan. 2, 1968], the Board and the Attorney General are authorized to proceed in accordance with the provisions of the Subversive Activities Control Act of 1950 [this subchapter], as amended by this Act."

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Publication in Federal Register as presumption of validity, see section 1507 of Title 44, Public Printing and Documents.

Willfully resisting, preventing, impeding or interfering with Board member or agent in performance of his duties, penalty for, see section 824 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 782, 788, 791, 792a, 793 of this title; title 8 section 1427.

§ 792a. Board proceedings with respect to Communist-infiltrated organizations.

(a) Petition by Attorney General for determination; joint respondents; dissolution of organization subsequent to filing; expedition of proceedings.

Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. A dissolution of such organization subsequent to the date of the filing of any petition for a determination that it is Communist-infiltrated, shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however,* That if the Board shall determine such organization to be a Communist-infiltrated organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Board shall enter an order determining such organization to be a Communist-infiltrated organization and the Board shall include it as such in the appropriate records maintained pursuant to section 788 of this title, together with a notation of its dissolution. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

(b) Petition by organization affected after determination in the affirmative.

Any organization which has been determined under this section to be a Communist-infiltrated organization may, within six months after such determination, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization.

(c) Verification of petitions; notice of hearing; minimum time period before hearing.

Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such

hearing shall be conducted within twenty days after the service of such notice.

(d) Applicability of section 792 (c), (d).

The provisions of subsections (c) and (d) of section 792 of this title shall apply to hearings conducted under this section.

(e) Evidence considered in making determination.

In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

(1) to what extent, if any, the effective management of the affairs of such organization is conducted by one or more individuals who are, or within three years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the World Communist movement referred to in section 781 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

(2) to what extent, if any, the policies of such organization are, or within three years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

(6) to what extent, if any, the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

(A) in any conduct punishable under section 783 or 794 of this title or under chapter 37, 105, or 115 of Title 18; or

(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its armed forces, in any activity resulting in or contributing to any such impairment.

(f) Written report of findings; grant or denial, service, and finality, of order.

After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 793 (b) of this title.

(g) Orders regarding labor organizations or employers which are organizations within meaning of section 782; service upon National Labor Relations Board; publication in Federal Register.

When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms are defined by section 152 of Title 29, and which are organizations within the meaning of section 782 of this title, the Board shall serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

(h) Effect on labor organization of order making determination in affirmative.

When there is in effect a final order of the Board determining that any such labor organization is a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization, such labor organization shall be ineligible to—

(1) act as representative of any employee within the meaning or for the purposes of section 157 of Title 29;

(2) serve as an exclusive representative of employees of any bargaining unit under section 159 of Title 29;

(3) make, or obtain any hearing upon, any charge under section 160 of Title 29; or

(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by the National Labor Relations Act, as amended, for labor organizations.

(i) Labor organization certified under National Labor Relations Act; question raised by final order in affirmative; procedure.

When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

(1) a question of representation affecting commerce, within the meaning of section 159(c) of Title 29, shall be deemed to exist with respect to such bargaining unit; and

(2) the National Labor Relations Board, upon petition of not less than 20 per centum of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 159 of Title 29 (notwithstanding any limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire

to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 158(a)(3)(ii) of Title 29.

(j) Effect on employer of order making determination in affirmative.

When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to—

(1) file any petition for an election under section 159 of Title 29, or participate in any proceeding under such section; or

(2) make or obtain any hearing upon any charge under section 160 of Title 29; or

(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by the National Labor Relations Act, as amended, for employers.

(Sept. 23, 1950, ch. 1024, title I, § 13A, as added Aug. 24, 1954, ch. 886, § 10, 68 Stat. 778, and amended July 26, 1955, ch. 381, 69 Stat. 375; Jan. 2, 1968, Pub. L. 90-237, § 11, 81 Stat. 771.)

REFERENCES IN TEXT

The National Labor Relations Act, as amended, referred to in subsecs. (h)(4), (i), and (j)(3), is classified to section 151 et seq. of Title 29, Labor.

CODIFICATION

Section was enacted as a part of the Communist Control Act of 1954, and was added as a part of the Internal Security Act of 1950 which comprises this subchapter and subchapter II of this chapter (and provisions in other titles), and of the Subversive Activities Control Act of 1950 which comprises this subchapter.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-237, § 11(1), added the sentence relating to the effect on the proceedings of the dissolution of an organization subsequent the date of the filing of any petition.

Subsec. (d). Pub. L. 90-237, § 11(2), deleted the exception at the end of the subsection which authorized the Board to conduct a hearing in the absence of an organization which failed to appear and to enter such order as the Board shall determine to be warranted by evidence presented at such hearing.

1955—Subsec. (e)(1). Act July 26, 1955, substituted "three years" for "two years".

DUTY OF BOARD

Duty of Subversive Activities Control Board, upon application under subsec. (a) or subsec. (b) of this section, to determine whether any organization is a Communist-infiltrated organization, see section 791 (e) (3) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 782, 788, 793 of this title.

§ 793. Judicial review.

(a) Courts of Appeals; petition; place; record; transfer; conclusiveness of Board's findings; additional evidence; modification by Board; judgment; finality.

The party aggrieved by any order entered by the Board under subsections (g), (h), (i), or (j) of section 792 of this title, or subsection (f) of section 792a of this title, may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of Title 28. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides. The findings of the Board as to the facts, if supported by the preponderance of the evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, the court may order such additional evidence to be taken before the Board and to be adduced upon the proceeding in such manner and upon such terms and conditions as to the court may seem proper. The Board may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by the preponderance of the evidence shall be conclusive, and its recommendations, if any, with respect to action in the matter under consideration. If the court shall set aside an order issued under subsection (j) of section 792 of this title, or under subsection (f) of section 792a of this title, it may, in the case of an organization, enter a judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization, Communist-front organization, or a Communst-infiltrated organization, as the case may be, or in the case of an individual, enter a judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of Title 28.

(b) Time of finality of Board's orders.

Any order of the Board issued under section 792 of this title, or subsection (f) of section 792a of this title, shall become final—

(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals; or

(4) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed.

(Sept. 23, 1950, ch. 1024, title I, § 14, 64 Stat. 1001; Aug. 24, 1954, ch. 886, § 11, 68 Stat. 780; Aug. 28,

1958, Pub. L. 85-791, § 29, 72 Stat. 950; Jan. 2, 1968, Pub. L. 90-237, § 12, 81 Stat. 771.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-237 substituted in the seventh sentence "judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization, Communist-front organization, or a Communist-infiltrated organization, as the case may be" for "judgment canceling the registration of such organization and relieving it from the requirement of further annual reports" and "judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization" for "judgment requiring the Attorney General (A) to strike the name of such individual from the registration statement or annual report on which it appears, or (B) cancel the registration of such individual under section 787 of this title, as may be appropriate".

1958—Subsec. (a). Pub. L. 85-791 in second sentence, substituted "transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of Title 28" for "served upon the Board, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceeding, including all evidence taken and the report and order of the Board", and, in third sentence, substituted "Upon the filing of such petition" for "Thereupon".

1954—Subsecs. (a) and (b). Act Aug. 24, 1954, in two places in subsec. (a), and, in one place in subsec. (b), inserted "or subsec. (f) of section 792a of this title".

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 782, 792 of this title; title 8 section 1427.

§ 794. Penalties.

Any organization which violates any provision of section 789 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 784 or 789 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment. (Sept. 23, 1950, ch. 1024, title I, § 15, 64 Stat. 1002; Jan. 2, 1968, Pub. L. 90-237, § 13, 81 Stat. 771.)

AMENDMENTS

1968—Pub. L. 90-237 deleted the penalties for failure to register or file statements or reports, for making false statements in registration statements or annual reports, and for violations of section 785 of this title.

CROSS REFERENCES

False or fraudulent statements generally, see section 1001 of Title 18, Crimes and Criminal Procedure.

Misdemeanor and felony defined, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 792a of this title.

§ 795. Applicability of Administrative Procedure Act.

Nothing in this subchapter, sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22 shall be held to make the provisions of the Administrative Procedure Act inapplicable to the exercise of functions, or the conduct of proceedings, by the Board under this subchapter and said sections. (Sept. 23, 1950, ch. 1024, title I, § 16, 64 Stat. 1003.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in text, is classified to sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

Sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in the text, were repealed by act June 27, 1952, ch. 477, title IV, § 403 (a) (13) (16) (39) (42), 66 Stat. 279, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in first par. was repealed Aug. 1, 1956, c. 849, § 70 Stat. 899.

§ 796. Effect of subchapter on other criminal laws.

The foregoing provisions of this subchapter shall be construed as being in addition to and not in modification of existing criminal statutes. (Sept. 23, 1950, ch. 1024, title I, § 17, 64 Stat. 1003.)

§ 797. Security regulations and orders; penalty for violation.

(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

(b) Every such regulation or order shall be posted in conspicuous and appropriate places. (Sept. 23, 1950, ch. 1024, title I, § 21, 64 Stat. 1005.)

CROSS REFERENCES

Espionage and censorship, penalties for violation of laws relating to, see section 792 et seq. of Title 18, Crimes and Criminal Procedure.

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

Sabotage, penalties for, see section 2151 et seq. of Title 18, Crimes and Criminal Procedure.

§ 798. Preservation of certain rights.

Nothing in this chapter, sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22 shall be construed to authorize, require, or establish military

or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated under said subchapter and sections having that effect. (Sept. 23, 1950, ch. 1024, Title I, § 1 (b), 64 Stat. 787.)

REFERENCES IN TEXT

Sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in the text, were repealed by Act June 27, 1952, ch. 477, title IV, § 403 (a) (13) (16) (39) (42), 66 Stat. 279, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in first par. was repealed Aug. 1, 1956, c. 849, § 1, 70 Stat. 899.

CODIFICATION

Section is comprised of subsection (b) of section 1 of act Sept. 23, 1950. Subsection (a) is set out as a note under section 781 of this title.

SUBCHAPTER II.—EMERGENCY DETENTION OF SUSPECTED SECURITY RISKS

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this subchapter to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Military or civilian censorship prohibited, and preservation of certain Constitutional rights, see section 798 of this title.

§ 811. Congressional finding of necessity.

As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the

successful prosecution of the common defense, especially in time of invasion, war, or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces, and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

(Sept. 23, 1950, ch. 1024, title II, § 101, 64 Stat. 1019.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

SHORT TITLE

Congress, in enacting this subchapter, provided by section 100 by act Sept. 23, 1950, that it should be popularly known as the "Emergency Detention Act of 1950".

SEPARABILITY OF PROVISIONS

The first sentence of section 116 of act Sept. 23, 1950, provided: "If any provision of this title [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title [this subchapter], or the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 812. Declaration of "internal security emergency" by President; events warranting; period of existence.

(a) In the event of any one of the following:

(1) Invasion of the territory of the United States or its possessions,

(2) Declaration of war by Congress, or

(3) Insurrection within the United States in aid of a foreign enemy.

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency".

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress. (Sept. 23, 1950, ch. 1024, title II, § 102, 64 Stat. 1021.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 813. Detention during emergency; release.

(a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is authorized to apprehend and by order detain, pursuant to the provisions of this subchapter, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

(Sept. 23, 1950, ch. 1024, title II, § 103, 64 Stat. 1021.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 814. Procedure for apprehension and detention.

(a) Warrants and applications.

The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage; and

(2) an application for an order to be issued pursuant to subsection (d) of this section for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Service of warrants and apprehension; copies for persons apprehended.

Warrants for the apprehension of persons under this subchapter shall be served and apprehension of such persons shall be made only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension shall be furnished to any person apprehended under this subchapter.

(c) Places of confinement; provision for transportation, food, shelter, etc., and supervision.

Persons apprehended or detained under this subchapter shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this subchapter.

(d) Preliminary hearing; rights of detainee; evidence; orders and reports of hearing officer; appointment of preliminary hearing officers.

Within forty-eight hours after apprehension, or as soon thereafter as provision for it may be made, each person apprehended pursuant to this section shall be taken before a preliminary hearing officer appointed pursuant to the provisions of this section. Such hearing officer shall inform such person (1) of the grounds upon which application was made for his detention, (2) of his right to retain counsel, (3) of his right to have a preliminary examination, (4) of his right to refrain from making any statement, and (5) of the fact that any statement made by him may be used against him. Such hearing officer shall allow such person reasonable time and opportunity to consult counsel. If such person waives preliminary examination, the hearing officer shall forthwith issue an order for the detention of such person, and furnish to him a copy of such order. If such person does not waive examination, the preliminary hearing officer shall hear evidence within a reasonable time. Such person may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge. Such hearing officer shall record all evidence offered by or on behalf of such person and all objections made by such person to his detention. If from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this subchapter, such hearing officer shall forthwith issue an order for the detention of such person, furnish to him a copy of such order, and advise such person of his right to file with the Detention Review Board established by this subchapter a petition for the review of such order. If from the evidence it appears to the preliminary hearing officer that probable cause for the detention of such person has not been shown, such officer shall issue an order discharging such person from detention, and shall furnish a copy of such order to such person. Upon the entry of such order, such person shall be released from custody by the Attorney General and by any subordinate officer or employee of the United States having custody of such person. Within seven days after the entry of any such order, the preliminary hearing officer shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, (1) a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether any order issued for the detention of such person shall be continued in effect or revoked, and (2) any additional written representations or evidence which the detainee or his legal counsel may wish to file with the Attorney General. A copy of such report shall be served promptly upon the detainee or his legal counsel. Preliminary hearing officers may be appointed by the President, without regard to the civil service laws but subject to chapter 51 and subchapter III of chapter 53 of Title 5, in such numbers, and may serve at such places, as may be necessary for the expeditious consideration of cases involving persons apprehended pursuant to this section. No person who has, within the three years preceding the date of his appointment, served as an officer or employee of the Department of Justice shall be appointed as a preliminary hearing officer.

(e) Receipt of additional information upon request of detainee; revocation or modification of detention order.

The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the

order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this subchapter.

(f) Presentation of evidence in case of Board or court review; right to withhold certain information.

In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible consistent with national security, the evidence supporting a finding of reasonable ground for detention in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

(g) Regulations by Attorney General; exclusion of forced labor and confinement with criminals.

The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this subchapter, as he shall deem necessary to promote the effective administration of this subchapter. No such regulation shall require or permit persons detained under the provisions of this subchapter to perform forced labor, or any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

(h) Bimonthly reports to President and Congress during emergency.

Whenever there shall be in existence an emergency within the meaning of this subchapter, the Attorney General shall transmit bimonthly to the President and to Congress a report of all action taken pursuant to the powers granted in this subchapter. (Sept. 23, 1950, ch. 1024, title II, § 104, 64 Stat. 1022.)

REFERENCES IN TEXT

The civil service laws referred to in subsec. (d), are classified generally to Title 5, Government Organization and Employees.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 819, 820 of this title.

§ 815. Detention Review Board.

(a) Creation; membership; terms; designation of Chairman; removal.

The President is authorized to establish a Detention Review Board (referred to in this subchapter as the "Board") which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of one year each, three for terms of two years each, and three for terms of three years each, but their successors shall be appointed for terms of three years each, subject to termination of the term upon expiration of this subchapter, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

(b) Board divisions; vacancies; powers of remaining members; quorum; official seal; judicial notice.

The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

(c) Reports to Congress; contents.

At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(d) Dissolution upon termination of emergency, release of detainees, and conclusion of proceedings; subsequent establishment.

In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall within a reasonable time dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this subchapter, of another Board with all of the rights, authority, and duties prescribed by this subchapter, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security. (Sept. 23, 1950, ch. 1024, title II, § 105, 64 Stat. 1023.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 816. Salaries of Board members; other personnel; use of agencies and services; expenses; appropriations.

(a) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys and other employees as it may from time to time find

necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose. (Sept. 23, 1950, ch. 1024, title II, § 106, 64 Stat. 1024.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 817. District of Columbia as Board headquarters; meeting and hearing outside District.

The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States. (Sept. 23, 1950, ch. 1024, title II, § 107, 64 Stat. 1024.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 818. Rules and regulations by Board; applicability of Administrative Procedure Act.

The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this subchapter. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act. (Sept. 23, 1950, ch. 1024, title II, § 108, 64 Stat. 1024.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in the text, is now covered by sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 819. Powers and duties of Board.

(a) Review of, and action on, orders and claims; determination of security risks.

Any Board created under this subchapter is empowered—

(1) to review upon petition of any detainee any order of detention issued pursuant to section 814 (d) of this title;

(2) to determine whether there is reasonable ground to believe that such detainee probably will engage in, or conspire with others to engage in, espionage or sabotage;

(3) to issue orders confirming, modifying, or revoking any such order of detention; and

(4) to hear and determine any claim made pursuant to this paragraph by any person who shall have been detained pursuant to this subchapter and shall have been released from such detention, for loss of income by such person resulting from such detention if without reasonable grounds. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

(b) Time for hearing on petition for review; notice and place.

Whenever a petition for review of an order for detention issued pursuant to section 814 (d) of this title or for indemnification pursuant to subsection (a) of this section shall have been filed with the Board in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the petitioner and the Attorney General at a place therein fixed, not less than fifteen days after the serving of said notice and not more than forty-five days after the filing of such petition.

(c) Information which may be given to detainee in review cases.

In any case arising from a petition for review of an order for detention issued pursuant to section 814 (d) of this title, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

(d) Subpenas, oaths, affirmations, witnesses, evidence, aid of courts, and contempt.

(1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board or any hearing examiner conducting any hearing authorized by this subchapter. Any hearing examiner of the Board may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the

Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) Service of papers; fees and mileage; information from other Government agencies.

(1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(2) All process of any court to which application may be made under this subchapter may be served in the judicial district wherein the person required to be served resides or may be found.

(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

(f) Rights of detainee at hearing.

Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this subchapter and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses.

(g) Consideration of confidential evidence; reduction of evidence to writing; additional testimony and argument.

In any proceeding before the Board under this subchapter the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agencies and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present. The testimony taken before the Board or its hearing examiners shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

(h) Evidentiary matters considered in deciding questions as to security risks.

In deciding the question of the existence of reasonable ground to believe a person probably will engage in or conspire with others to engage in espionage or sabotage, the Attorney General, any preliminary hearing officer, and the Board of Detention Review are authorized to consider evidence of the following:

(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or whether such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

(i) Necessity for reasonable ground for belief.

The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in subsection (h) of this section shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General or the Board of Detention Review shall decide whether, on all the evidence,

there is reasonable ground to believe the detainee or possible detainee probably will engage in, or conspire with others to engage in, espionage or sabotage.

(j) Claims for indemnity; receipt of evidence having probative value.

In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this subchapter, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention. (Sept. 23, 1950, ch. 1024, title II, § 109, 64 Stat. 1025.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Witnesses, per diem and mileage fees, see section 1821 et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Process, see rule 4, Title 28, Appendix, Judiciary and Judicial Procedure.

Subpena, contempt for refusal to obey, see rule 45(f), Title 28, Appendix, Judiciary and Judicial Procedure.

§ 820. Orders of Board.

(a) Revocation of detention order.

If upon all the testimony taken in any proceeding for the review of any order of detention issued pursuant to section 814 (d) of this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking the order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

(b) Orders sustaining or denying indemnity claims.

If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this subchapter, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity; and shall forthwith serve a copy of such order upon such claimant. If upon all the testimony taken in any proceeding involving a claim for indemnity or for the ascertainment of any such claim, the Board shall determine that the claimant is not entitled to receive such indemnity, the Board shall state its finding of fact in sufficient detail to apprise the claimant of the grounds for its decision and shall issue and serve upon the claimant an order denying such claim and dismissing his petition so far as it pertains to such claim.

(c) Dismissal of petition and confirmation of detention order.

If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

(d) Report and recommended order of hearing examiner; effectiveness after expiration of time period.

In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

(e) Modification or setting aside by Board of its own findings or orders prior to court review.

Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it. (Sept. 23, 1950, ch. 1024, title II, § 110, 64 Stat. 1027; Aug. 28, 1958, Pub. L. 85–791, § 30(a), 72 Stat. 950.)

AMENDMENTS

1958—Subsec. (e). Pub. L. 85–791 eliminated "a transcript of" preceding "the record".

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 821. Judicial review.

(a) Rights of petitioner.

Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

(b) Orders granting indemnity; right of Attorney General.

In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

(c) Courts of appeals; place; petition; time; service; record; statement; powers of court; conclusiveness of Board's finding.

Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review or enforcement in any United States court of appeals for the circuit wherein the petitioner is detained or resides by filing in such court within sixty days from the

date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of sixty days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court the record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, as provided in section 2112 of Title 28. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Upon the filing of such petition the court shall have jurisdiction of the proceeding, which upon the filing of the record with it shall be exclusive, and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by reliable, substantial, and probative evidence, shall be conclusive.

(d) Additional evidence; modification of, or new, findings by Board; recommendations; exclusiveness of court jurisdiction; finality of judgment; review by Supreme Court.

If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner, the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by reliable, substantial, and probative evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of Title 28.

(e) Commencement of review proceeding as stay of Board's order.

The commencement of proceedings by the Attorney General for judicial review under subsection (b) of this section shall, if he so requests, operate as a stay of the Board's order.

(f) Time of finality of Board's order.

Any order of the Board shall become final—

(1) upon the date of entry thereof by the Board, if such order is not subject to judicial review; or

(2) upon the expiration of the time allowed for filing a petition for review or enforcement, if such order is subject to judicial review and no such petition has been duly filed within such time; or

(3) upon the expiration of the time allowed for filing a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(4) upon the denial of a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(5) upon the exiration of ten days from the date of issuance of the mandate of the Supreme Court, if such order is subject to judicial review and such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

(g) Applicability of Administrative Procedure Act.

Nothing contained in this section shall be construed to deprive any person of any relief to which he may be entitled under the Administrative Procedure Act. (Sept. 23, 1950, ch. 1024, title II, § 111, 64 Stat. 1028; Aug. 28, 1958, Pub. L. 85–791, § 30(b), (c), 72 Stat. 950, 951.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in subsec. (g), is classified to sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1958—Subsec. (c). Pub. L. 85–791, § 30(b), in third sentence, eliminated "a duly certified transcript of" following "court", and "entire" preceding "record" and substituted "as provided in section 2112 of Title 28" for "including all evidence upon which the order complained of was entered, the findings and order of the Board", and which, in fifth sentence, substituted "Upon the filing of such petition" for "Thereupon", and inserted "which upon the filing of the record with it shall be exclusive".

Subsec. (d). Pub. L. 85–791, § 30(c), substituted "record" for "transcript" at the end of the first sentence.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Supreme Court, time for appeal or certiorari, see section 2101 of Title 28, Judiciary and Judicial Procedure.

§ 822. Resisting, disregarding or evading apprehension; escape or attempt to escape; conspiracy; penalty.

Whoever, being named in a warrant for apprehension or order of detention as one as to whom there is reasonable ground to believe that he probably will engage in, or conspire with others to engage in, espionage or sabotage, or being under confinement or detention pursuant to this subchapter, shall resist or knowingly disregard or evade apprehension

pursuant to this subchapter or shall escape, attempt to escape or conspire with others to escape from confinement or detention ordered and instituted pursuant to this subchapter, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (Sept. 23, 1950, ch. 1024, title II, § 112, 64 Stat. 1029.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Federal retirement benefits, forfeiture upon conviction of offense described under these sections, see section 8312 of Title 5, Government Organization and Employees.

Felony, definition of, see section 1 of Title 18, Crimes and Criminal Procedure.

Forfeiture of veterans' benefits upon conviction under these sections, see section 3505 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 8312; and title 42 section 402.

§ 823. Aiding evasion of apprehension, or escape; concealment; conspiracy; penalty.

Whoever knowingly—

(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this subchapter by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person probably will engage in, or conspire with others to engage in espionage or sabotage; or

(b) advises, aids, assists, or procures the escape from confinement or detention pursuant to this subchapter of any person so named; or

(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such confinement or detention; or

(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (Sept. 23, 1950, ch. 1024, title II, § 113, 64 Stat. 1030.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Federal retirement benefits, forfeiture upon conviction of offense described hereunder, see section 8312 of Title 5, Government Organization and Employees.

Felony, definition of, see section 1 of Title 18, Crimes and Criminal Procedure.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 8312; and title 42 section 402.

§ 824. Resistance of, or interference with, Board members or agents; penalty.

Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this chapter, sections 137 to 137–8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, sections 793 and 1507 of Title 18, and sections 611 (c) (5) and 618 (e) of Title 22 shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both. (Sept. 23, 1950, ch. 1024, title II, § 114, 64 Stat. 1030.)

REFERENCES IN TEXT

Sections 137 to 137–8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in the text, were repealed by Act June 27, 1952, ch. 477, title IV, § 403 (a) (13) (16) (39) (42), 66 Stat. 279, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in first par. was repealed Aug. 1, 1956, c. 849, § 1, 70 Stat. 899.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Misdemeanor, definition of, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 825. Definitions.

For the purposes of this subchapter, the term "espionage" means any violation of sections 792 to 797 of Title 18, and the term "sabotage" means any violation of sections 2151 to 2156 of Title 18. (Sept. 23, 1950, ch. 1024, title II, § 115, 64 Stat. 1030.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 826. Preservation of privilege of habeas corpus.

Nothing contained in this subchapter shall be construed to suspend or to authorize the suspension of the privilege of the writ of habeas corpus. (Sept. 23, 1950, ch. 1024, title II, § 116, 64 Stat. 1030.)

CODIFICATION

Section constitutes the second sentence only of section 116 of act Sept. 23, 1950. The first sentence of section 116, relating to separability of provisions of this subchapter, is set out as a note under section 811 of this title.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Habeas corpus generally, see chapter 153 of Title 28, Judiciary and Judicial Procedure.

Suspension of privilege of writ of habeas corpus, see Const., Art. 1, § 9, cl. 2.

SUBCHAPTER III.—PERSONNEL SECURITY PROCEDURES IN NATIONAL SECURITY AGENCY

§ 831. Regulations for employment security.

Subject to the provisions of this subchapter, the Secretary of Defense (hereafter in this subchapter referred to as the "Secretary") shall prescribe such regulations relating to continuing security procedures as he considers necessary to assure—

(1) that no person shall be employed in, or detailed or assigned to, the National Security Agency (hereafter in this subchapter referred to as the "Agency"), or continue to be so employed, detailed, or assigned; and

(2) that no person so employed, detailed, or assigned shall have access to any classified information;

unless such employment, detail, assignment, or access to classified information is clearly consistent with the national security. (Sept. 23, 1950, ch. 1024, title III, § 301, as added Mar. 26, 1964, Pub. L. 88–290, 78 Stat. 168.)

§ 832. Full field investigation and appraisal.

(a) Conditional employment; other current security clearance; circumstances authorizing employment on temporary basis.

No person shall be employed in, or detailed or assigned to, the Agency unless he has been the subject of a full field investigation in connection with such employment, detail, or assignment, and is cleared for access to classified information in accordance with the provisions of this subchapter; excepting that conditional employment without access to sensitive cryptologic information or material may be tendered any applicant, under such regulations as the Secretary may prescribe, pending the completion of such full field investigation: *And provided further,* That such full field investigation at the discretion of the Secretary need not be required in the case of persons assigned or detailed to the Agency who have a current security clearance for access to sensitive cryptologic information under equivalent standards of investigation and clearance. During any period of war declared by the Congress, or during any period when the Secretary determines that a national disaster exists, or in exceptional cases in which the Secretary (or his designee for such purpose) makes a determination in writing that his action is necessary or advisable in the national interest, he may authorize the employment of any person in, or the detail or assignment of any person to, the Agency, and may grant to any such person access to classified information, on a temporary basis, pending the completion of the full field investigation and the clearance for access to classified information required by this subsection, if the Secretary determines that such action is clearly consistent with the national security.

(b) Boards of appraisal; establishment; membership; appointment; appraisal in doubtful cases; report and recommendation; qualifications of members; Secretary's clearance contrary to board's recommendation.

To assist the Secretary and the Director of the Agency in carrying out their personnel security responsibilities, one or more boards of appraisal of three members each, to be appointed by the Director of the Agency, shall be established in the Agency. Such a board shall appraise the loyalty and suitability of persons for access to classified information, in those cases in which the Director of the Agency determines that there is a doubt whether their access to that information would be clearly consistent with the national security, and shall submit a report and recommendation on each such a case. However, appraisal by such a board is not required before action may be taken under section 863 of Title 5, section 22–1 of Title 5, or any other similar provision of law. Each member of such a board shall be specially qualified and trained for his duties as such a member, shall have been the subject of a full field investigation in connection with his appointment as such a member, and shall have been cleared by the Director for access to classified information at the time of his appointment as such a member. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary (or his designee for such purpose) shall make a determination in writing that such employment, detail, assignment, or access to classified information is in the national interest. (Sept. 23, 1950, ch. 1024, title III, § 302, as added Mar. 26, 1964, Pub. L. 88–290, 78 Stat. 168.)

REFERENCES IN TEXT

Section 863 of Title 5 and section 22–1 of Title 5, referred to in subsec. (b), are now covered by sections 3315, 3571, 5594, 7312, 7501, 7512, 7532, and 7701 of Title 5, Government Organization and Employees.

§ 833. Termination of employment.

(a) Generally; finality.

Notwithstanding section 863 of Title 5, section 22–1 of Title 5, or any other provision of law, the Secretary may terminate the employment of any officer or employee of the Agency whenever he considers that action to be in the interest of the United States, and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of that officer or employee cannot be invoked consistently with the national security. Such a determination is final.

(b) Employment in other departments or agencies.

Termination of employment under this section shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the United States Civil Service Commission.

(c) Delegation of authority; limitation.

Notwithstanding section 133(d) of Title 10 any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both. (Sept. 23, 1950, ch. 1024, title III, § 303, as added Mar. 26, 1964, Pub. L. 88–290, 78 Stat. 169.)

REFERENCES IN TEXT

Section 863 of Title 5 and section 22–1 of Title 5, referred to in subsec. (a), are now covered by sections 3315, 3571, 5594, 7312, 7501, 7512, 7532, and 7701 of Title 5, Government Organization and Employees.

§ 834. Definition of "classified information".

For the purposes of this section, the term "classified information" means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution. (Sept. 23, 1950, ch. 1024, title III, § 304, as added Mar. 26, 1964, Pub. L. 88–290, 78 Stat. 170.)

§ 835. Nonapplicability of Administrative Procedure Act.

The Administrative Procedure Act, as amended, shall not apply to the use or exercise of any authority granted by this subchapter. (Sept. 23, 1950, ch. 1024, title III, § 305, as added Mar. 26, 1964, Pub. L. 88–290, 78 Stat. 170.)

REFERENCES IN TEXT

The Administrative Procedure Act, as amended, referred to in the text, is classified to sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

SUBCHAPTER IV.—COMMUNIST CONTROL

CODIFICATION

This subchapter was enacted as a part of the Communist Control Act of 1954, and not as a part of the Internal Security Act of 1950, which comprises this chapter and other provisions. See note under section 781 of this title.

§ 841. Findings and declarations of fact.

The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed. (Aug. 24, 1954, ch. 886, § 2, 68 Stat. 775.)

SHORT TITLE

Congress, in enacting act Aug. 24, 1954, which enacted this subchapter, enacted sections 782 (4A), 784 (a) (1) (E), 791 (e) (3), and 792a of this title, enacted provisions set out as a note under this section, amended sections 782 (5), 784 (a) (1) (D), 789 (opening par.) 790 (a) (b), 791 (e) (2), 792 (catchline), and 793 (a) (b) of this title, and repealed sections 784 (c) and 785 (c) of this title, provided by section 1 of that act that those enactments, amendments and repeals should be popularly known as the "Communist Control Act of 1954".

SEPARABILITY OF PROVISIONS

Section 12 of act Aug. 24, 1954, provided: "If any provision of this title [Act] or the application thereof to any person or circumstances is held invalid, the remainder of the title [Act] and the application of such provisions to other persons or circumstances, shall not be affected thereby."

The use of the word "Act", in place of the word "title" as used in section 12 of act of Aug. 24, 1954, quoted above, was probably intended, since that act is not divided into titles. For distribution of that act in this Code, see Short Title note above.

§ 842. Proscription of Communist Party, its successors, and subsidiary organizations.

The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are terminated: *Provided, however*, That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended. (Aug. 24, 1954, ch. 886, § 3, 68 Stat. 776.)

REFERENCES IN TEXT

The Internal Security Act of 1950, as amended, referred to in the text, is act Sept. 23, 1950, ch. 1024, 64 Stat. 987, which is classified to subchapters I and II of this chapter, and to other titles of this Code. For detailed distribution of that act in this Code, see note under section 781 of this title.

§ 843. Application of Internal Security Act of 1950 to members of Communist Party and other subversive organizations; definition.

(a) Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended, as a member of a "Communist-action" organization.

(b) For the purposes of this section, the term "Communist Party" means the organization now

known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof. (Aug. 24, 1954, ch. 886, § 4, 68 Stat. 776.)

REFERENCES IN TEXT

The Internal Security Act of 1950, as amended, referred to in subsec. (a) is act Sept. 23, 1950, ch. 1024, 64 Stat. 987, which is classified to subchapters I and II of this chapter, and to other titles of this Code. For detailed distribution of that act in this Code, see note under section 781 of this title.

§ 844. Same; determination by jury of membership, participation, or knowledge of purpose.

In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

(1) Has been listed to his knowledge as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(4) Has executed orders, plans, or directives of any kind of the organization;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated. (Aug. 24, 1954, ch. 886, § 5, 68 Stat. 777.)

REFERENCES IN TEXT

"This Act", as used in the text of opening paragraph, refers to the Communist Control Act of 1954, act Aug. 24, 1954. For distribution of that act in this Code, see Short Title note under section 841 of this title.

SUBCHAPTER V.—REGISTRATION OF CERTAIN PERSONS TRAINED IN FOREIGN ESPIONAGE SYSTEMS

CODIFICATION

This subchapter was not enacted as a part of the Internal Security Act of 1950, which comprises this chapter.

§ 851. Registration of certain persons; filing statement; regulations.

Except as provided in section 852 of this title, every person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such statements, information, or documents pertinent to the purposes and objectives of this subchapter as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes. (Aug. 1, 1956, ch. 849, § 2, 70 Stat. 899.)

SEPARABILITY OF PROVISIONS

Section 9 of act Aug. 1, 1956, provided: "If any provision of this Act [this subchapter] or the application thereof to any person or circumstances is held invalid, the remainder of the Act [this subchapter], and the application of such provisions to other persons or circumstances, is not affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 852 of this title.

§ 852. Exemption from registration.

The registration requirements of section 851 of this title do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within

an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, is a matter of record in the files of an agency of the United States Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) Who is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization in which the United States participates or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee. (Aug. 1, 1956, ch. 849, § 3, 70 Stat. 899.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 851 of this title.

§ 853. Retention of registration statements; public examination; withdrawal.

The Attorney General shall retain in permanent form one copy of all registration statements filed under this subchapter. They shall be public records and open to public examination at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination. (Aug. 1, 1956, ch. 849, § 4, 70 Stat. 900.)

§ 854. Rules, regulations, and forms.

The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations and forms as he deems necessary to carry out the provisions of this subchapter. (Aug. 1, 1956, ch. 849, § 5, 70 Stat. 900.)

§ 855. Violations; penalties; deportation.

(a) Whoever willfully violates any provision of this subchapter or any regulation thereunder, or in any registration statment willfully make[1] a false statement of a material fact or willfully omits any material fact, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this subchapter or any regulation thereunder is subject to deportation in the manner provided by sections 1251 to 1260 of Title 8. (Aug. 1, 1956, ch. 948, § 6, 70 Stat. 900.)

REFERENCES IN TEXT

Sections 1251a and 1255a of Title 8, included within the reference to sections 1251 to 1260 of Title 8, were repealed by Pub. L. 87-301.

CROSS REFERENCES

Felony defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 856. Continuing offense.

Failure to file a registration statement as required by this subchapter is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary. (Aug. 1, 1956, ch. 849, § 7, 70 Stat. 900.)

CROSS REFERENCES

Period of limitations upon non-capital offenses, see section 3282 of Title 18, Crimes and Criminal Procedure.

§ 857. Compliance with other registration statutes.

Compliance with the registration provisions of this subchapter does not relieve any person from compliance with any other applicable registration statute. (Aug. 1, 1956, ch. 849, § 8, 70 Stat. 900.)

§ 858. Applicability to Canal Zone.

This subchapter applies to and within the Canal Zone. (Aug. 1, 1956, ch. 849, § 10, as added Oct. 18, 1962, Pub. L. 87-845, § 13, 76A Stat. 700.)

EFFECTIVE DATE

Section effective Jan. 2, 1963, see note set out under section 14 of Title 18, Crimes and Criminal Procedure.

[1] So in original.

Chapter 24.—NATIONAL DEFENSE FACILITIES

§§ 881 to 887. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 881, act Sept. 11, 1950, ch. 945, § 2, 64 Stat. 829, stated the purpose of former chapter 24, which provided for national defense facilities, and is now covered by section 2231 of Title 10, Armed Forces.

Section 882, acts Sept. 11, 1950, ch. 945, § 3, 64 Stat. 830; Aug. 9, 1955, ch. 662, § 1 (a), (b), 69 Stat. 593; Aug. 3, 1956, ch. 939, title IV, § 414, 70 Stat. 1018; Aug. 29, 1957, Pub. L. 85-215, § 2, 71 Stat. 490, related to acquisition and construction of defense facilities, and is now covered by section 2233 of Title 10, Armed Forces. See, also, note under section 2233 of Title 10. Acts Aug. 9, 1955, ch. 662, § 1 (a), (b), 69 Stat. 593; Aug. 3, 1956, ch. 939, title IV, § 414, 70 Stat. 1018; Aug. 29, 1957, Pub. L. 85-215, § 2, 71 Stat. 490, were repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569, 1570.

Section 883, acts Sept. 11, 1950, ch. 945, § 4, 64 Stat. 830; Aug. 9, 1955, ch. 662, § 1 (c)—(e), 69 Stat. 593, related to location of facilities, change of location of units, title and maintenance of facilities, and to use of Federal and State facilities, and is now covered by sections 2233, 2236 and 2238 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 662, § 1 (c)—(e), 69 Stat. 593, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 884, act Sept. 11, 1950, ch. 945, § 5, 64 Stat. 831, authorized the Secretary of Defense to delegate his authority under former chapter 24, and is now covered by section 2233 of Title 10, Armed Forces.

Section 885, acts Sept. 11, 1950, ch. 945, § 6, 64 Stat. 831; Aug. 9, 1955, ch. 662, § 1(f), 69 Stat. 594, related to supervision of construction, expansion, rehabilitation or conversion of facilities, and is now covered by section 2237 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 662, § 1(f), 69 Stat. 594, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 886, acts Sept. 11, 1950, ch. 945, § 7, 64 Stat. 831; Aug. 9, 1955, ch. 662, § 1 (g), (h), 69 Stat. 594, defined terms used in former sections 881-887 of this title, and is now covered by section 2232 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 662, § 1 (g), (h), 69 Stat. 594, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 887, act Sept. 11, 1950, ch. 945, § 8, 64 Stat. 832, authorized appropriations to carry out the purposes of former chapter 24.

Chapter 25.—ARMED FORCES RESERVE

SUBCHAPTER I.—GENERAL PROVISIONS

§§ 901 to 905. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 901, act July 9, 1952, ch. 608, Pt. I, § 101, 66 Stat. 481, defined terms used in this chapter, and is now covered by sections 101 and 276 of Title 10, Armed Forces.

Sections 902—905, act July 9, 1952, ch. 608, Pt. VIII, §§ 809—812, 66 Stat. 509, related to savings provisions for laws relating to appointment in reserve components, accrued rights, authority to order reservists to active duty, responsibilities and functions of Chief of the National Guard Bureau, and to retroactive pay.

SUBCHAPTER II.—RESERVE COMPONENTS GENERALLY

PART 1. PURPOSE AND GENERAL ORGANIZATION

§§ 921 to 935. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 921, act July 9, 1952, ch. 608, Pt. II, § 201, 66 Stat. 482, stated the purpose of the reserve components, and provided for the maintenance of National Guard and Air National Guard, and is now covered by sections 262 and 263 of Title 10, Armed Forces, and section 102 of Title 32, National Guard.

Section 922, act July 9, 1952, ch. 608, Pt. II, § 202, 66 Stat. 482, enumerated the reserve components, and is now covered by section 261 of Title 10.

Section 923, act July 9, 1952, ch. 608, Pt. II, § 203, 66 Stat. 483, provided for the maximum numerical strength of the reserve components, and is now covered by sections 3221, 3224, 8221, and 8224 of Title 10, Armed Forces, and section 752a of Title 14, Coast Guard.

Section 924, act July 9, 1952, ch. 608, Pt. II, § 204, 66 Stat. 483, provided for the composition of reserve components, and is now covered by section 267 of Title 10.

Section 925, acts July 9, 1952, ch. 608, Pt. II, § 205, 66 Stat. 483; Aug. 9, 1955, ch. 665, § 2(a), 69 Stat. 598, prescribed the composition and maximum strength of the Ready Reserve, and is now covered by section 268 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 665, § 2(a), 69 Stat. 598 was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 926, act July 9, 1952, ch. 608, Pt. II, § 206, 66 Stat. 483, related to the Standby Reserve, its composition, and for ordering units to active duty, and is now covered by sections 273 and 674 of Title 10, Armed Forces.

Section 927, act July 9, 1952, ch. 608, Pt. II, § 207, 66 Stat. 483, related to the Retired Reserve, its composition, establishment of reserve retired lists, ordering members into active duty, and is now covered by sections 274, 675, and 1376 of Title 10.

Section 928, acts July 9, 1952, ch. 608, Pt. II, § 208, 66 Stat. 484; Aug. 9, 1955, ch. 665, § 2 (b)—(d), 69 Stat. 598, 599, related to term of service in the Ready Reserve, placement, requests for assignment, training duty, extension of membership, transfer to Standby Reserve, applications for transfer and screening of units and members, and is now covered by sections 269—272 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 665, § 2 (b)—(d), 69 Stat. 598, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 929, act July 9, 1952, ch. 608, Pt. II, § 209, 66 Stat. 484, related to transferees, enlistment or appointment in Armed Forces, and is now covered by sections 512 and 595 of Title 10, Armed Forces.

Section 930, act July 9, 1952, ch. 608, Pt. II, § 210, 66 Stat. 485, related to the composition of the Standby Reserve, and is now covered by section 267 of Title 10.

Section 931, act July 9, 1952, ch. 608, Pt. II, § 211, 66 Stat. 485, provided for inactive status list in the Standby Reserve, regulations governing transfer, limitation on benefits, and is now covered by sections 273 and 1334 of Title 10.

Section 932, act July 9, 1952, ch. 608, Pt. II, § 212, 66 Stat. 485, prescribed the status of members of reserve components, and is now covered by section 267 of Title 10.

Section 933, act July 9, 1952, ch. 608, Pt. II, § 213, 66 Stat. 485, related to retention of status of members of reserve components, and to honorary status.

Section 934, act July 9, 1952, ch. 608, Pt. II, § 214, 66 Stat. 485, related to training categories for each reserve component, and is now covered by section 2001 of Title 10, Armed Forces.

Section 935, act July 9, 1952, ch. 608, Pt. II, § 215, 66 Stat. 486, provided for officer candidates and for distribution of personnel in various ranks and grades, and is now covered by sections 3221, 3224, 5956, 8221, and 8224 of Title 10, Armed Forces, and section 752a of Title 14, Coast Guard.

§ 936. Repealed. Sept. 3, 1954, ch. 1257, title VII, § 702 (d), 68 Stat. 1189.

Section, act July 9, 1952, ch. 608, part II, § 216, 66 Stat. 486, related to promotion and precedence.

ADDITIONAL REPEAL

Section was also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

PART 2. APPOINTMENTS AND ENLISTMENTS

§§ 941 to 956. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 941, acts July 9, 1952, ch. 608, Pt. II, § 217, 66 Stat. 486; July 30, 1956, ch. 789, § 4(a), 70 Stat. 729, related to qualifications for appointments and enlistments in the Reserves, and is now covered by sections 510, 591 and 594 of Title 10, Armed Forces. Act July 30, 1956,

ch. 789, § 4(a), 70 Stat. 729, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570.

Section 942, act July 9, 1952, ch. 608, § 218, 66 Stat. 487, authorized the President, by and with the advice and consent of the Senate, to make appointments to general or flag officer grade, and is now covered by section 593 of Title 10, Armed Forces.

Section 943, act July 9, 1952, ch. 608, Pt. II, § 219, 66 Stat. 487, authorized the President to make appointments in commissioned grades below general or flag officer grades, and is now covered by section 593 of Title 10.

Section 944, act July 9, 1952, ch. 608, Pt. II, § 220, 66 Stat. 487, related to appointments in warrant officer grades, and is now covered by section 597 of Title 10.

Section 945, act July 9, 1952, ch. 608, Pt. II, § 221, 66 Stat. 487, related to tenure of appointments of commissioned officers, and is now covered by section 593 of Title 10.

Section 946, act July 9, 1952, ch. 608, Pt. II, § 222, 66 Stat. 487, provided for a common Federal appointment for officers, and is now covered by section 591 (a) of Title 10.

Section 947, act July 9, 1952, ch. 608, Pt. II, § 223, 66 Stat. 487, prescribed tenure of appointments of warrant officers, and is now covered by section 597 of Title 10.

Section 948, act July 9, 1952, ch. 608, Pt. II, § 224, 66 Stat. 487, provided for indefinite term of appointment, conversion of appointments and enlistments, and is now covered by sections 593 and 597 of Title 10, Armed Forces, and note set out under section 593.

Section 949, act July 9, 1952, ch. 608, Pt. II, § 225, 66 Stat. 488, provided for physical examinations, and is now covered by section 1004 of Title 10.

Section 950, act July 9, 1952, ch. 608, Pt. II, § 226, 66 Stat. 488, provided for the discharge or transfer of physically disqualified personnel, and is now covered by section 1004 of Title 10.

Section 951, act July 9, 1952, ch. 608, Pt. II, § 227, 66 Stat. 488, related to term of enlistment, and is now covered by section 511 of Title 10.

Section 952, act July 9, 1952, ch. 608, Pt. II, § 228, 66 Stat. 488, related to common Federal enlistments, and is now covered by sections 510, 3261, and 8261 of Title 10.

Section 953, act July 9, 1952, ch. 608, Pt. II, § 229, 66 Stat. 488, prohibited dual membership in reserve components, and is now covered by section 261 (b) of Title 10.

Section 954, act July 9, 1952, ch. 608, Pt. II, § 230, 66 Stat. 489, related to enlisted personnel as officer candidates, and is now covered by section 600 of Title 10.

Section 955, act July 9, 1952, ch. 608, Pt. II, § 231, 66 Stat. 489, related to the age limitation for officers, and is now covered by section 1003 of Title 10.

Section 956, act July 9, 1952, ch. 608, Pt. II, § 232, 66 Stat. 489, authorized the appointment or enlistment of limited-service personnel, and is now covered by sections 510 and 591 of Title 10.

PART 3. DUTY AND RELEASE FROM DUTY

§§ 961 to 967. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 961, acts July 9, 1952, ch. 608, Pt. II, § 233, 66 Stat. 489; Aug. 9, 1955, ch. 665, § 2 (e)—(g), 69 Stat. 599, related to liability of members for active duty, limitation on recall, annual training, voluntary active duty, notification prior to active-duty orders, utilization of officers, protection of members of organized units, and to ministers of religion, and is now covered by sections 510, 591, 594, 672, 673, 685 and 1162 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 665, § 2 (e)—(g), 69 Stat. 599, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 962, act July 9, 1952, ch. 608, Pt. II, § 234, 66 Stat. 490, related to active duty in connection with Reserve training and administration, and is now covered by sections 672 and 678 of Title 10, Armed Forces.

Section 963, act July 9, 1952, ch. 608, Pt. II, § 235, 66 Stat. 491, provided for active duty agreements, involuntary release, obligation to serve full term, prior obligated or involuntary service, uniformity of agreements, and is now covered by sections 679 and 680 of Title 10.

Section 964, act July 9, 1952, ch. 608, Pt. II, § 236, 66 Stat. 491, provided for continuation of active duty, and is now covered by section 679 of Title 10.

Section 965, act July 9, 1952, ch. 608, Pt. II, § 237, 66 Stat. 492, authorized detail or assignment to duties authorized for regulars, and is now covered by section 682 of Title 10.

Section 966, act July 9, 1952, ch. 608, Pt. II, § 238, 66 Stat. 492, related to maintenance of Reserve forces in time of partial mobilization, and is now covered by section 276 of Title 10.

Section 967, act July 9, 1952, ch. 608, Pt. II, § 239, 66 Stat. 492, provided for release from active duty, and is now covered by section 681 of Title 10.

PART 4. PAY, ALLOWANCES, AND BENEFITS

§§ 971 to 975. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 971, act July 9, 1952, ch. 608, Pt. II, § 240, 66 Stat. 492, provided for active duty with or without pay, and is now covered by section 683 of Title 10, Armed Forces.

Section 972, act July 9, 1952, ch. 608, Pt. II, § 241, 66 Stat. 492, related to pay and allowances of persons retained beyond the term of service, and is now covered by section 683 of Title 10.

Section 973, act July 9, 1952, ch. 608, Pt. II, § 242, 66 Stat. 492, related to pay for officer candidates, and is now covered by section 600 of Title 10.

Section 974, act July 9, 1952, ch. 608, Pt. II, § 243, 66 Stat. 492, related to uniform allowances, and is now covered by sections 415—419 of Title 37, Pay and Allowances of the Uniformed Services.

Section 975, act July 9, 1952, ch. 608, Pt. II, § 245, 66 Stat. 494, provided for continuation of existing benefits.

PART 5. CIVIL EMPLOYMENT

§§ 981, 982. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 981, act July 9, 1952, ch. 608, Pt. II, § 246, 66 Stat. 495, related to the civil status of reservists, and is now covered by section 502 of Title 5, Government Organization and Employees.

Section 982, act July 9, 1952, ch. 608, Pt. II, § 247, 66 Stat. 495, authorized members of the reserve components to accept employment with and compensation from any foreign government or any concern which is controlled in whole or in part by a foreign government, and is now covered by section 1032 of Title 10, Armed Forces.

PART 6. SEPARATION

§§ 991, 992. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 991, act July 9, 1952, ch. 608, Pt. II, § 248, 66 Stat. 495, provided for the discharge of commissioned officers and other members of the reserve components, and is now covered by section 1162 of Title 10, Armed Forces.

Section 992, act July 9, 1952, ch. 608, Pt. II, § 249, 66 Stat. 495, related to limitation on discharges, dropping from rolls, and character of discharge, and is now covered by section 1163 of Title 10.

PART 7. ADMINISTRATION

§§ 1001 to 1011. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1001, act July 9, 1952, ch. 608, Pt. II, § 250, 66 Stat. 495, prohibited discrimination between Regulars and reserve components, and is now covered by section 277 of Title 10, Armed Forces.

Section 1002, act July 9, 1952, ch. 608, Pt. II, § 251, 66 Stat. 495, authorized the Secretaries of the Army, Navy, Air Force, and the Treasury, to make and publish regulations, and is now covered by sections 415—419 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1003, act July 9, 1952, ch. 608, Pt. II, § 252, 66 Stat. 496, provided for reserve participation in administration of policy and regulations, and is now covered by section 265 of Title 10.

Section 1004, act July 9, 1952, ch. 608, Pt. II, § 253, 66 Stat. 496, related to support of the reserve components, and is now covered by section 715 of Title 10.

Section 1005, act July 9, 1952, ch. 608, Pt. II, § 254, 66 Stat. 496, related to boards, membership of boards, seniority, and is now covered by section 266 of Title 10.

Section 1006, act July 9, 1952, ch. 608, Pt. II, § 255, 66 Stat. 496, related to availability of supplies, equipment, and facilities, and is now covered by section 2511 of Title 10.

Section 1007, act July 9, 1952, ch. 608, Pt. II, § 256, 66 Stat. 496, provided for responsibility for Reserve affairs, and is now covered by section 264 of Title 10.

Section 1008, act July 9, 1952, ch. 608, Pt. II, § 257 (a—d), 66 Stat. 497, related to the creation, composition and representation on the Reserve Forces Policy Board, provided that the Board should be the principal policy adviser to the Secretary of Defense, and is now covered by section 175 of Title 10, Armed Forces. Subsec. (e) has been transferred to section 133 of Title 10, Armed Forces.

Section 1009, act July 9, 1952, ch. 608, Pt. II, § 258, 66 Stat. 498, related to personnel records, and is now covered by section 272 of Title 10.

Section 1010, act July 9, 1952, ch. 608, Pt. II, § 259, 66 Stat. 498, related to dissemination of information, and is now covered by section 275 of Title 10.

Section 1011, act July 9, 1952, ch. 608, Pt. II, § 260, as added Aug. 9, 1955, ch. 665, § 2(h), 69 Stat. 599, related to records of persons participating in active and inactive duty training, and is now covered by sections 275 and 279 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 665, § 2(h), 69 Stat. 599, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

PART 8. SPECIAL ENLISTMENT PROGRAMS

§ 1012. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1012, act July 9, 1952, ch. 608, Pt. II, § 261, as added Aug. 9, 1955, ch. 665, § 2(i), 69 Stat. 600, related to the period of enlistment in Reserve components, and is now covered by section 511 of Title 10, Armed Forces. Act Aug. 9, 1955, ch. 665, § 2(i), 69 Stat. 600, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

§ 1013. Repealed. Pub. L. 88-110, § 1, Sept. 3, 1963, 77 Stat. 134.

Section, act July 9, 1952, ch. 608, pt. II, § 262, as added Aug. 9, 1955, ch. 665, § 2(i), 69 Stat. 600, and amended Apr. 23, 1956, ch. 209, § 1, 70 Stat. 115; July 17, 1959, Pub. L. 86-96, 73 Stat. 221; July 12, 1960, Pub. L. 86-632, § 2, 74 Stat. 468, authorized the President to accept enlistments in the Ready Reserve, to maintain them at a level necessary for national defense, of persons not having attained age 18, and six months and who had not been ordered to report for induction, or who possessed critical skills and were engaged in defense industry, fixed the period of enlistment at eight years with active duty therein for three to six months, deferred such persons from universal military training and required the National Security Training Commission to advise the President and Secretary of Defense and to report annually to Congress regarding the welfare of trainees.

§ 1014. Release of volunteers from active duty; period of service in Ready Reserve; one year enlistments.

CODIFICATION

Section, act July 9, 1952, ch. 608, pt. II, § 263, as added Aug. 9, 1955, ch. 665, § 2(i), 69 Stat. 602, provided for the release from active duty in the Armed Forces prior to serving the periods for which inducted or enlisted. Section expired by its own terms on July 1, 1957.

§ 1015. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act July 9, 1952, ch. 608, Pt. II, § 264, as added Apr. 23, 1956, ch. 209, § 2, 70 Stat. 115, related to training period and to eligibility for benefits, and is now covered by sections 3687, 3721, 6148, 8687, and 8721 of Title 10, Armed Forces. Act Apr. 23, 1956, ch. 209, § 2, 70 Stat. 115, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

§ 1016. Repealed. Pub. L. 87-651, title III, § 307A, Sept. 7, 1962, 76 Stat. 526.

Section, acts July 9, 1952, ch. 608, pt. II, § 265, as added July 9, 1956, ch. 534, 70 Stat. 517, and amended Sept. 2, 1958, Pub. L. 85-857, § 13(r), 72 Stat. 1266; Sept. 21, 1959, Pub. L. 86-324, § 1, 73 Stat. 596; June 28, 1962, Pub. L. 87-509, § 1, 76 Stat. 120, provided for a lump-sum readjustment payment for involuntary release from active duty.

Pub. L. 87-509, § 1, June 28, 1962, 76 Stat. 120, was repealed by Pub. L. 89-718, § 75(4), Nov. 2, 1966, 80 Stat. 1124.

SUBCHAPTER III.—RESERVE COMPONENTS OF THE ARMY

§§ 1021 to 1024. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1021, act July 9, 1952, ch. 608, Pt. III, § 301, 66 Stat. 498, established the National Guard and Army Reserve as reserve components of the Army, and is now covered by section 3062 of Title 10, Armed Forces.

Section 1022, act July 9, 1952, ch. 608, Pt. III, § 302, 66 Stat. 498, redesignated the Organized Reserve Corps as the Army Reserve.

Section 1023, act July 9, 1952, ch. 608, Pt. III, § 303, 66 Stat. 498, related to the composition of the Army Reserve, and is now covered by section 3076 of Title 10, Armed Forces.

Section 1024, act July 9, 1952, ch. 608, Pt. III, § 304, 66 Stat. 498, related to women in the Army Reserve, and is now covered by section 3685 of Title 10.

SUBCHAPTER IV.—RESERVE COMPONENTS OF THE NAVY, MARINE CORPS, AND COAST GUARD

§§ 1041 to 1053. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1041, act July 9, 1952, ch. 608, Pt. IV, § 401, 66 Stat. 498, established the Naval Reserve as the reserve component of the Navy, and is now covered by section 5251 of Title 10, Armed Forces.

Section 1042, act July 9, 1952, ch. 608, Pt. IV, § 402, 66 Stat. 498, established the Marine Corps Reserve as the reserve component of the Marine Corps, and is now covered by section 5252 of Title 10.

Section 1043, act July 9, 1952, ch. 608, Pt. IV, § 403, 66 Stat. 498, provided that the Coast Guard Reserve is the reserve component of the Coast Guard, and is now covered by section 751a of Title 14, Coast Guard.

Section 1044, act July 9, 1952, ch. 608, Pt. IV, § 404, 66 Stat. 498, provided for integration of the Naval Reserve, and is now covered by section 5251 of Title 10.

Section 1045, act July 9, 1952, ch. 608, Pt. IV, § 405, 66 Stat. 498, provided for integration of the Marine Corps Reserve, and is now covered by section 5252 of Title 10.

Section 1046, act July 9, 1952, ch. 608, Pt. IV, § 406, 66 Stat. 499, provided for the integration of the Coast Guard Reserve, and is now covered by section 751a of Title 14, Coast Guard.

Section 1047, act July 9, 1952, ch. 608, Pt. IV, § 407, 66 Stat. 499, provided for a Naval Reserve Policy Board, a Marine Corps Reserve Policy Board, a Coast Guard Policy Board, and for membership on such boards, and is now covered by sections 5251 and 5252 of Title 10, Armed Forces, and section 753a of Title 14, Coast Guard.

Section 1048, act July 9, 1952, ch. 608, Pt. IV, § 409, 66 Stat. 499, authorized the Secretary of the Navy to prescribe a suitable flag to be known as the Naval Reserve flag, and provided the class of vessels which may fly such flag, and is now covered by section 7225 of Title 10.

Section 1049, act July 9, 1952, ch. 608, Pt. IV, § 410, 66 Stat. 499, authorized the Secretary of the Navy to prescribe a Naval Reserve yacht pennant and enumerated the class of vessels which may fly such pennant, and is now covered by section 7226 of Title 10.

Section 1050, act July 9, 1952, ch. 608, Pt. IV, § 411, 66 Stat. 499, related to appointment and duty of temporary

officers in the Naval Reserve and Marine Corps Reserve, and is now covered by section 5598 of Title 10.

Section 1051, act July 9, 1952, ch. 608, Pt. IV, § 412, 66 Stat. 499, related to temporary members of the Coast Guard Reserve.

Section 1052, act July 9, 1952, ch. 608, Pt. IV, § 413, 66 Stat. 499, provided for a Retired Reserve, membership, pay, recall to active duty, and is now covered by sections 6327 and 6483 of Title 10.

Section 1053, act July 9, 1952, ch. 608, Pt. IV, § 414, 66 Stat. 500, related to applicability of laws to women in the Naval Reserve, Marine Corps Reserve, and the Coast Guard Reserve, and is now covered by section 762(e) of Title 14, Coast Guard.

SUBCHAPTER V.—THE NAVAL MILITIA

§§ 1071 to 1074. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1071, act July 9, 1952, ch. 608, Pt. V, § 501, 66 Stat. 500, prescribed the composition of the Naval Militia, and is now covered by section 7851 of Title 10, Armed Forces.

Section 1072, act July 9, 1952, ch. 608, Pt. V, § 502, 66 Stat. 500, provided for the appointment and enlistment of militia members in the Naval Reserve or Marine Corps Reserve, and is now covered by section 7852 of Title 10.

Section 1073, act July 9, 1952, ch. 608, Pt. V, § 503, 66 Stat. 500, provided for release from militia duty upon order to active duty in the service of the United States, and is now covered by section 7853 of Title 10.

Section 1074, act July 9, 1952, ch. 608, Pt. V, § 504, 66 Stat. 500, related to availability of supplies and equipment, and is now covered by section 7854 of Title 10.

SUBCHAPTER VI.—RESERVE COMPONENTS OF THE AIR FORCE

§§ 1091 to 1093. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1091, act July 9, 1952, ch. 608, Pt. VI, § 601, 66 Stat. 501, provided that the Air National Guard and the Air Force Reserve are reserve components of the Air Force, and is now covered by section 8062 of Title 10, Armed Forces.

Section 1092, act July 9, 1952, ch. 608, Pt. VI, § 602, 66 Stat. 501, provided for the composition of the Air Force Reserve, and is now covered by section 8076 of Title 10.

Section 1093, act July 9, 1952, ch. 608, Pt. VI, § 603, 66 Stat. 501, related to women in the Air Force Reserve.

SUBCHAPTER VII.—THE NATIONAL GUARD OF THE UNITED STATES AND THE AIR NATIONAL GUARD OF THE UNITED STATES

§§ 1111 to 1125. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1111, act July 9, 1952, ch. 608, Pt. VII, § 701, 66 Stat. 501, provided that the National Guard and the Air National Guard are reserve components of the Army and the Air Force and is now covered by sections 3077 and 8077 of Title 10, Armed Forces.

Section 1112, act July 9, 1952, ch. 608, Pt. VII, § 702, 66 Stat. 501, related to the composition of the National Guard and the Air National Guard, and is now covered by sections 101, 3077, and 8077 of Title 10, Armed Forces, and section 101 of Title 32, National Guard.

Section 1113, act July 9, 1952, ch. 608, Pt. VII, § 703, 66 Stat. 502, related to Federal recognition and appointments, and is now covered by sections 3351 and 8351 of Title 10, Armed Forces, and sections 301, 307 of Title 32, National Guard.

Section 1114, act July 9, 1952, ch. 608, Pt. VII, § 704, 66 Stat. 502, related to the temporary extension of Federal recognition to any officer of the National Guard or Air National Guard, and is now covered by sections 3351 and 8351 of Title 10, Armed Forces, and section 308 of Title 32, National Guard.

Section 1115, act July 9, 1952, ch. 608, Pt. VII, § 705, 66 Stat. 502, related to transfers from the Army Reserve or Air Force Reserve to the National Guard or Air National Guard, and is now covered by sections 3261, 3351, 8261, and 8351 of Title 10, Armed Forces, and section 307 of Title 32, National Guard.

Section 1116, act July 9, 1952, ch. 608, Pt. VII, § 706, 66 Stat. 503, related to transfers from the National Guard or Air National Guard to the Army Reserve or Air Force Reserve, and is now covered by sections 3259, 3352, 8259, and 8352 of Title 10, Armed Forces, and section 323 of Title 32, National Guard.

Section 1117, act July 9, 1952, ch. 608, Pt. VII, § 707, 66 Stat. 503, provided for automatic transfers, and is now covered by sections 3260, 3352, 8260, and 8352 of Title 10, Armed Forces.

Section 1118, acts July 9, 1952, ch. 608, Pt. VII, § 708, 66 Stat. 503; Sept. 3, 1954, ch. 1257, title VII, § 702(e), 68 Stat. 1189, permitted warrant officers and enlisted members of the National Guard and of the Air National Guard of the United States to hold appointments as Reserve commissioned officers of the Army or of the Air Force, provided for determination of their status, and is now covered by sections 3354 and 8354 of Title 10, Armed Forces.

Section 1119, act July 9, 1952, ch. 608, Pt. VII, § 709, 66 Stat. 503, provided for training in State status, and is now covered by sections 3079, 3495, 8079, and 8495 of Title 10, Armed Forces.

Section 1120, act July 9, 1952, ch. 608, Pt. VII, § 710, 66 Stat. 503, provided for relief from National Guard duty when ordered to active duty, and is now covered by section 325 of Title 32, National Guard.

Section 1121, act July 9, 1952, ch. 608, Pt. VII, § 711, 66 Stat. 504, related to relief from liability for issued United States property, and is now covered by section 704 of Title 32, National Guard.

Section 1122, act July 9, 1952, ch. 608, Pt. VII, § 712, 66 Stat. 504, related to maintenance of integrity of units, and to return to State status, and is now covered by sections 3498, and 8498 of Title 10, Armed Forces, and sections 325 and 706 of Title 32, National Guard.

Section 1123, act July 9, 1952, ch. 608, Pt. VII, § 713, 66 Stat. 504, related to Federal status of personnel ordered to active duty, and is now covered by sections 3351, 3497, 8351, and 8497 of Title 10, Armed Forces.

Section 1124, act July 9, 1952, ch. 608, Pt. VII, § 714, 66 Stat. 504, related to benefits for members of the National Guard of the United States, and is now covered by sections 3686 and 8686 of Title 10, Armed Forces, and section 501(c) of Title 37, Pay and Allowances of the Uniformed Services.

Section 1125, act July 9, 1952, ch. 608, pt. VII, § 715, as added July 30, 1956, ch. 789, § 4(b), 70 Stat. 729, related to applicability of laws to female officers, their dependents and beneficiaries and to determination of dependency, and is now covered by sections 3685 and 8685 of Title 10, Armed Forces. Act July 30, 1956, ch. 789, § 4(b), 70 Stat. 729, was repealed by Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570.

Chapter 26.—GIFTS FOR DEFENSE PURPOSES

Sec.
1151. Acceptance of gifts by Secretary of the Treasury and Administrator of General Services.
1152. Conversion of property into money.
1153. Special account for deposit of moneys.
1154. Payment to appropriation accounts.
1155. Consultation with Federal agencies.
1156. Construction with other provisions.

§ 1151. Acceptance of gifts by Secretary of the Treasury and Administrator of General Services.

To further the defense effort of the United States—

(a) the Secretary of the Treasury is authorized to accept or reject on behalf of the United States any gift of money or other intangible personal property made on condition that it be used for a particular defense purpose; and

(b) the Administrator of General Services is authorized to accept or reject on behalf of the United States any gift of other property, real or personal, made on condition that it be used for a particular defense purpose. (July 27, 1954, ch. 582, § 1, 68 Stat. 566.)

CROSS REFERENCES

Gifts to United States, deduction for gift tax, see section 2522(a)(1) of Title 26, Internal Revenue Code.

§ 1152. Conversion of property into money.

The Secretary of the Treasury may convert into money, at the best terms available, any such gift of intangible property other than money; and the Administrator of General Services may convert into money, at the best terms available, any such gift of tangible property, or transfer to any other Federal agency without reimbursement such property as he may determine usable for the particular purpose for which it was donated. (July 27, 1954, ch. 582, § 2, 68 Stat. 566.)

§ 1153. Special account for deposit of moneys.

There shall be established on the books of the Treasury a special account into which shall be deposited all money received as a result of such gifts. (July 27, 1954, ch. 582, § 3, 68 Stat. 566.)

§ 1154. Payment to appropriation accounts.

The Secretary of the Treasury, in order to effectuate the purposes for which gifts accepted under this chapter are made, shall from time to time pay the money in such special account to such of the various appropriation accounts as in his judgment will best effectuate the intent of the donors, and such money is appropriated and shall be available for expenditure for the purposes of the appropriations to which paid. (July 27, 1954, ch. 582, § 4, 68 Stat. 566.)

§ 1155. Consultation with Federal Agencies.

The Secretary of the Treasury and the Administrator of General Services shall consult with interested Federal agencies in carrying out the provisions of this chapter. (July 27, 1954, ch. 582, § 5, 68 Stat. 566.)

§ 1156. Construction with other provisions.

Nothing in this chapter shall be construed to modify or repeal the authority to accept conditional gifts under any other provision of law. (July 27, 1954, ch. 582, § 6, 68 Stat. 566.)

Chapter 27.—RESERVE OFFICER PERSONNEL PROGRAM

SUBCHAPTER I.—GENERAL PROVISIONS

§§ 1181, 1182. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1181, act Sept. 3, 1954, ch. 1257, title I, § 102, 68 Stat. 1149, defined terms used in the Reserve Officer Personnel Act of 1954, and is now covered by sections 101(25), 592, 1002, 1005-1007, 1374, 5414, 5457, 5458, 5867 and 5892 of Title 10, Armed Forces, and section 770 of Title 14, Coast Guard.

Section 1182, act Sept. 3, 1954, ch. 1257, title VII, § 703, 68 Stat. 1189, contained savings provisions. See section 795 of Title 14, Coast Guard.

SUBCHAPTER II.—RESERVE COMPONENTS GENERALLY

§§ 1191 to 1202. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1191, acts Sept. 3, 1954, ch. 1257, title II, § 201, 68 Stat. 1150; June 30, 1955, ch. 247, § 1(a), 69 Stat. 218, related to constructive service credit on initial appointment, and is now covered by sections 3353, 5600 and 8353 of Title 10, Armed Forces, and section 773 of Title 14, Coast Guard.

Section 1192, act Sept. 3, 1954, ch. 1257, title II, § 202, 68 Stat. 1150, related to eligibility for promotion and to standards and qualifications for active status, and is now covered by sections 1002, 3360, 5891 and 8360 of Title 10, Armed Forces, and section 774 of Title 14, Coast Guard.

Section 1193, act Sept. 3, 1954, ch. 1257, title II, § 203, 68 Stat. 1150, related to appointment, composition, duration of service, quorum, and oath of service of selection boards, and to communications by officers eligible for promotion, and is now covered by sections 3362, 5893, 5894, 5900 and 8362 of Title 10, Armed Forces, and section 775 of Title 14, Coast Guard.

Section 1194, act Sept. 3, 1954, ch. 1257, title II, § 204, 68 Stat. 1151, authorized the retention of officers with incomplete reserve service, and is now covered by section 1005 of Title 10, Armed Forces.

Section 1195, acts Sept. 3, 1954, ch. 1257, title II, § 205, 68 Stat. 1151; June 30, 1955, ch. 247, § 1(b), 69 Stat. 218, related to retention of officers with eighteen or more years of service, and is now covered by section 1006 of Title 10, Armed Forces.

Section 1196, act Sept. 3, 1954, ch. 1257, title II, § 206, 68 Stat. 1152, provided for advancement in grade on retirement or transfer to Retired Reserve, and is now covered by section 1374 of Title 10, Armed Forces.

Section 1197, act Sept. 3, 1954, ch. 1257, title II, § 207, 68 Stat. 1152, related to grade on entry upon active duty, and is now covered by sections 3494, 5504 and 8494 of Title 10, Armed Forces, and section 776 of Title 14, Coast Guard.

Section 1198, act Sept. 3, 1954, ch. 1257, title II, § 208, 68 Stat. 1152, provided for recommendation for promotion of officer previously removed from active status, and is now covered by sections 3378, 5906 and 8378 of Title 10, Armed Forces, and section 777 of Title 14, Coast Guard.

Section 1199, act Sept. 3, 1954, ch. 1257, title II, § 209, 68 Stat. 1152, authorized the President to suspend provisions of the Reserve Officer Personnel Act of 1954 in time of war or national emergency, and is now covered by section 123 of Title 10, Armed Forces, section 778 of Title 14, Coast Guard, and section 111 of Title 32, National Guard.

Section 1200, act Sept. 3, 1954, ch. 1257, title II, § 210, 68 Stat. 1152, provided that there shall be no requirement for sea or foreign service for the promotion of Reserve officers, and is now covered by sections 3393, 5909 and 8393 of Title 10, Armed Forces, and section 779 of Title 14, Coast Guard.

Section 1201, act Sept. 3, 1954, ch. 1257, title II, § 211, 68 Stat. 1153, related to grades of Reserve officers, and is now covered by section 592 of Title 10, Armed Forces.

Section 1202, act Sept. 3, 1954, ch. 1257, title II, § 212, 68 Stat. 1153, related to active status of officers assigned to the Selective Service System, and is now covered by section 1007 of Title 10, Armed Forces, and section 787 of Title 14, Coast Guard. See, also, note under section 3843 of Title 10.

SUBCHAPTER III.—RESERVE COMPONENTS OF THE ARMY

PART 1.—GENERAL PROVISIONS

§§ 1221 to 1227. Repealed. Pub L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1221, act Sept. 3, 1954, ch. 1257, title III, § 301, 68 Stat. 1153, provided that former sections 1221—1281 should apply only to Reserve officers of the Army.

Section 1222, acts Sept. 3, 1954, ch. 1257, title III, § 302, 68 Stat. 1153; June 30, 1955, ch. 247, § 6, 69 Stat. 221, defined terms used in former sections 1221—1281 of this title, and is now covered by sections 3220, 3360, 3363, 3364, 3441 and 3853 of Title 10, Armed Forces.

Section 1223, acts Sept. 3, 1954, ch. 1257, title III, § 303, 68 Stat. 1154; June 30, 1955, ch. 247, § 7, 69 Stat. 221, provided for promotion procedures, and is now covered by sections 3362, 3363 and 3854 of Title 10, Armed Forces.

Section 1224, act Sept. 3, 1954, ch. 1257, title III, § 304, 68 Stat. 1154, related to maximum grades for female officers.

Section 1225, act Sept. 3, 1954, ch. 1257, title III, § 305, 68 Stat. 1154, related to constructive service credit, and is now covered by sections 3359 and 3360 of Title 10, Armed Forces. See, also, note under section 3353 of Title 10.

Section 1226, act Sept. 3, 1954, ch. 1257, title III, § 306, 68 Stat. 1155, related to minimum service in grade, and is now covered by section 3363 of Title 10, Armed Forces.

Section 1227, act Sept. 3, 1954, ch. 1257, title III, § 307, 68 Stat. 1155, prescribed the authorized number of officers and for distribution in grade, and is now covered by sections 1006, and 3217—3220 of Title 10, Armed Forces.

PART 2.—NONUNIT OFFICERS

§§ 1231 to 1238. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1231, act Sept. 3, 1954, ch. 1257, title III, § 308, 68 Stat. 1155, provided for promotion to first lieutenant, and is now covered by section 3365 of Title 10, Armed Forces.

Section 1232, act Sept. 3, 1954, ch. 1257, title III, § 309, 68 Stat. 1156, provided for promotion to captain, major, and lieutenant colonel to fill vacancies, and is now covered by section 3367 of Title 10, Armed Forces.

Section 1233, act Sept. 3, 1954, ch. 1257, title III, § 310, 68 Stat. 1156, related to promotion to captain, major, and lieutenant colonel regardless of vacancies, and is now covered by sections 3212 and 3366 of Title 10, Armed Forces.

Section 1234, act Sept. 3, 1954, ch. 1257, title III, § 311, 68 Stat. 1157, related to second consideration for promotion, and is now covered by section 3368 of Title 10, Armed Forces.

Section 1235, act Sept. 3, 1954, ch. 1257, title III, § 312, 68 Stat. 1157, related to promotion to colonel and female field grades to fill vacancies, and is now covered by section 3370 of Title 10, Armed Forces.

Section 1236, act Sept. 3, 1954, ch. 1257, title III, § 313, 68 Stat. 1157, provided for promotion to brigadier general and major general to fill vacancies, and is now covered by section 3371 of Title 10, Armed Forces.

Section 1237, acts Sept. 3, 1954, ch. 1257, title III, § 314, 68 Stat. 1158; June 30, 1955, ch. 247, § 8, 69 Stat. 222, related to method of selection and order of promotion, and is covered by sections 3364, 3366 and 3367 of Title 10, Armed Forces.

Section 1238, act Sept. 3, 1954, ch. 1257, title III, § 315, 68 Stat. 1158, related to total years of service for first nonunit promotion, and is now covered by section 3369 of Title 10, Armed Forces. See, also, note under section 3366 of Title 10.

PART 3.—UNIT OFFICERS, ARMY RESERVE

§§ 1241 to 1243. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1241, act Sept. 3, 1954, ch. 1257, title III, § 316, 68 Stat. 1159, provided for promotion to first lieutenant, and is now covered by section 3382 of Title 10, Armed Forces.

Section 1242, act Sept. 3, 1954, ch. 1257, title III, § 317, 68 Stat. 1159, provided for promotion to captain, major, lieutenant colonel, and colonel to fill unit vacancies, and is now covered by section 3383 of Title 10, Armed Forces.

Section 1243, act Sept. 3, 1954, ch. 1257, title III, § 318, 68 Stat. 1159, provided for promotion to brigadier general and major general to fill vacancies, and is now covered by section 3384 of Title 10, Armed Forces.

PART 4.—OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

§§ 1251 to 1255. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1251, act Sept. 3, 1954, ch. 1257, title III, § 319, 68 Stat. 1160, related to examination for Federal recognition upon unit vacancy promotion, and is now covered by section 309 of Title 32, National Guard.

Section 1252, act Sept. 3, 1954, ch. 1257, title III, § 320, 68 Stat. 1160, related to extension of automatic Federal recognition to higher grade, and is now covered by section 310 of Title 32, National Guard.

Section 1253, act Sept. 3, 1954, ch. 1257, title III, § 321, 68 Stat. 1160, provided for promotion to higher grade upon recognition, and is now covered by section 3385 of Title 10, Armed Forces.

Section 1254, act Sept. 3, 1954, ch. 1257, title III, § 322, 68 Stat. 1161, provided for promotion upon transfer to Army Reserve, and is now covered by section 3352 of Title 10, Armed Forces.

Section 1255, act Sept. 3, 1954, ch. 1257, title III, § 323, 68 Stat. 1161, provided for appointment of adjutants general and assistant adjutants general as Reserve officers, and is now covered by section 3392 of Title 10, Armed Forces.

PART 5.—ELIMINATION OF OFFICERS

§§ 1261 to 1264. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1261, act Sept. 3, 1954, ch. 1257, title III, § 324, 68 Stat. 1161, related to discharge of second lieutenants, and is now covered by sections 3819 and 3820 of Title 10, Armed Forces, and section 323 of Title 32, National Guard.

Section 1262, acts Sept. 3, 1954, ch. 1257, Title III, § 325, 68 Stat. 1161; June 30, 1955, ch. 247, § 9, 69 Stat. 222, provided for discharge or transfer to Retired Reserve of first lieutenants, captains, and majors, and is now covered by section 3846 of Title 10, Armed Forces.

Section 1263, act Sept. 3, 1954, ch. 1257, title III, § 326, 68 Stat. 1161, prescribed the maximum age for discharge or transfer to Retired Reserve, and is now covered by sections 3843—3845 and 3851 of Title 10, Armed Forces. See, also, note under section 3843 of Title 10.

Section 1264, act Sept. 3, 1954, ch. 1257, title III, § 327, 68 Stat. 1162, provided for discharge or transfer to Retired Reserve for length of service, and is now covered by sections 3848, 3849, 3851 and 3852 of Title 10, Armed Forces.

§ 1265. Retention of officers to complete twenty years of service.

CODIFICATION

Section, act Sept. 3, 1954, ch. 1257, title III, § 328, 68 Stat. 1163, which provided for retention of officers to complete 20 years of service, was omitted from this Code.

§§ 1266, 1267. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1266, act Sept. 3, 1954, ch. 1257, title III, § 329, 68 Stat. 1163, related to disposition of general officers ceasing to occupy position, and is now covered by section 3375 of Title 10, Armed Forces.

Section 1267, act Sept. 3, 1954, ch. 1257, title III, § 330, 68 Stat. 1163, related to excess numbers in grade, and is now covered by section 3850 of Title 10, Armed Forces.

PART 6.—RESERVE OFFICERS ON ACTIVE DUTY

§§ 1271 to 1279. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1271, act Sept. 3, 1954, ch. 1257, title III, § 331, 68 Stat. 1164, related to applicability of parts 1, 2 and 5 of subchapter 3 of former chapter 27 of this title, and is now covered by sections 3365, 3366, 3367, and 3369—3371 of Title 10, Armed Forces.

Section 1272, act Sept. 3, 1954, ch. 1257, title III, § 332, 68 Stat. 1164, related to officers eligible for vacancy promotion entering on active duty, and is now covered by section 3388 of Title 10, Armed Forces.

Section 1273, acts Sept. 3, 1954, ch. 1257, title III, § 333, 68 Stat. 1164; June 30, 1955, ch. 247, §§ 2, 10, 69 Stat. 218, 222, provided for promotion to higher grade while on active duty, and is now covered by section 3380 of Title 10, Armed Forces.

Section 1274, act Sept. 3, 1954, ch. 1257, title III, § 334, 68 Stat. 1164, provided for promotion under mandatory consideration of officers with higher temporary grade, and is now covered by section 3366 of Title 10, Armed Forces.

Section 1275, act Sept. 3, 1954, ch. 1257, title III, § 335, 68 Stat. 1165, related to appointment in appropriate higher grade after temporary appointment, and is now covered by section 3389 of Title 10, Armed Forces.

Section 1276, act Sept. 3, 1954, ch. 1257, title III, § 336, 68 Stat. 1165, related to officers of the National Guard of the United States, and is now covered by section 3390 of Title 10, Armed Forces.

Section 1277, act Sept. 3, 1954, ch. 1257, title III, § 337, 68 Stat. 1165, which related to withholding promotion on release from active duty, was also repealed by act June 30, 1955, ch. 247, § 11, 69 Stat. 222.

Section 1278, act Sept. 3, 1954, ch. 1257, title III, § 338, 68 Stat. 1165, related to promotion upon release from active duty, and is now covered by section 3386 of Title 10, Armed Forces.

Section 1279, acts Sept. 3, 1954, ch. 1257, title III, § 339, 68 Stat. 1165; June 30, 1955, ch. 247, §1(c), 69 Stat. 218, related to retention for additional service. See note set out under section 3843 of Title 10, Armed Forces.

PART 7.—MISCELLANEOUS PROVISIONS

§ 1281. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section, act Sept. 3, 1954, ch. 1257, title III, § 340, 68 Stat. 1166, related to assimilation of regulations relating to promotion.

SUBCHAPTER IV.—NAVAL RESERVE AND MARINE CORPS RESERVE

§§ 1301 to 1314. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1301, act Sept. 3, 1954, ch. 1257, title IV, § 401, 68 Stat. 1166, related to applicability of former sections 1301—1314 of this title, and defined terms, and is now covered by sections 5506, 5891, 5892 and 5893 of Title 10, Armed Forces.

Section 1302, acts Sept. 3, 1954, ch. 1257, title IV, § 402, 68 Stat. 1166; June 30, 1955, ch. 247, § 3(a), 69 Stat. 218, provided for authorized numbers and distribution of officers in the Naval Reserve, and is now covered by sections 5414, 5457, 5458 and 5892 of Title 10, Armed Forces. See, also, note under section 5458 of Title 10.

Section 1303, acts Sept. 3, 1954, ch. 1257, title IV, § 403, 68 Stat. 1167; June 30, 1955, ch. 247, § 3(b), 69 Stat. 218, related to applicability of laws relating to selection for promotion of Regular officers, and is now covered by sections 5892, 5893, 5895—5899, 5901 and 5903 of Title 10, Armed Forces.

Section 1304, act Sept. 3, 1954, ch. 1257, title IV, § 404, 68 Stat. 1167, provided for running mates, and is now covered by section 5665 of Title 10, Armed Forces.

Section 1305, acts Sept. 3, 1954, ch. 1257, title IV, § 405, 68 Stat. 1168; June 30, 1955, ch. 247, § 3(c), (d), 69 Stat. 218, related to eligibility for promotion, and is now covered by sections 5899, 5903, 5904 and 5908 of Title 10, Armed Forces.

Section 1306, act Sept. 3, 1954, ch. 1257, title IV, § 406, 68 Stat. 1168, related to applicability of laws relating to eligibility for promotion of Regular officers, and is now covered by sections 5902 and 5908 of Title 10, Armed Forces and section 209 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1307, act Sept. 3, 1954, ch. 1257, title IV, § 407, 68 Stat. 1169, related to restriction on applicability of subchapter to officers on active status, and is now covered by sections 5506, 5665, 5891 and 5899 of Title 10, Armed Forces.

Section 1308, act Sept. 3, 1954, ch. 1257, title IV, § 408, 68 Stat. 1169, provided for qualifications for promotion, and is now covered by section 5867 of Title 10, Armed Forces.

Section 1309, act Sept. 3, 1954, ch. 1257, title IV, § 409, 68 Stat. 1169, provided for removal from promotion list by the President, and is now covered by section 5905 of Title 10, Armed Forces.

Section 1310, act Sept. 3, 1954, ch. 1257, title IV, § 410, 68 Stat. 1169, provided for precedence, and is now covered by section 5506 of Title 10, Armed Forces.

Section 1311, act Sept. 3, 1954, ch. 1257, title IV, § 411, 68 Stat. 1169, provided for elimination from active status, and is now covered by sections 6380, 6389, 6391, 6397, 6403 and 6410 of Title 10, Armed Forces.

Section 1312, act Sept. 3, 1954, ch. 1257, title IV, § 412, 68 Stat. 1171, provided for transfer to Retired Reserve for age, and exempted certain flag and general officers, and is now covered by section 6391 of Title 10, Armed Forces.

Section 1313, act Sept. 3, 1954, ch. 1257, title IV, § 413, 68 Stat. 1171, provided for promotions under Secretary's regulations, and is now covered by sections 5910 and 5911 of Title 10, Armed Forces.

Section 1314, act Sept. 3, 1954, ch. 1257, title IV, § 414, as added June 30, 1955, ch. 247, § 3(e), 69 Stat. 219, related to promotion of Naval and Marine officers selected for promotion prior to July 1, 1955. See Note under section 5891 of Title 10, Armed Forces.

SUBCHAPTER V.—RESERVE COMPONENTS OF THE AIR FORCE

§§ 1331 to 1357. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1331, act Sept. 3, 1954, ch. 1257, title V, § 501, 68 Stat. 1171; June 30, 1955, ch. 247, § 4(a), 69 Stat. 219, related to applicability of former sections 1331—1357 of this title, and defined terms, and is now covered by sections 8360, 8363, 8366, 8368 and 8853 of Title 10, Armed Forces.

Section 1332, acts Sept. 3, 1954, ch. 1257, title V, § 502, 68 Stat. 1172; June 30, 1955, ch. 247, § 4(b), 69 Stat. 219, related to promotion and promotion service, and is now covered by sections 8360 and 8363 of Title 10, Armed Forces.

Section 1333, act Sept. 3, 1954, ch. 1257, title V, § 503, 68 Stat. 1172, related to authorized numbers and distribution of Reserve officers of the Air Force, and is now covered by sections 1006, 8212 and 8217—8219 of Title 10, Armed Forces.

Section 1334, act Sept. 3, 1954, ch. 1257, title V, § 504, 68 Stat. 1173; June 30, 1955, ch. 247, § 4(c), 69 Stat. 219, related to seniority for promotion purposes, and is now covered by section 8361 of Title 10, Armed Forces.

Section 1335, act Sept. 3, 1954, ch. 1257, title V, § 505, 68 Stat. 1173, provided for constructive service credit on appointment, and is now covered by sections 8358 and 8359 of Title 10, Armed Forces.

Section 1336, acts Sept. 3, 1954, ch. 1257, title V, § 506, 68 Stat. 1173; June 30, 1955, ch. 247, § 4(d), 69 Stat. 219, related to minimum service in grade, and is now covered by section 8363 of Title 10, Armed Forces.

Section 1337, act Sept. 3, 1954, ch. 1257, title V, § 507, 68 Stat. 1174, related to time limit for consideration, and is now covered by section 8363 of Title 10, Armed Forces.

Section 1338, acts Sept. 3, 1954, ch. 1257, title V, § 508, 68 Stat. 1174; June 30, 1955, ch. 247, § 4(e), 69 Stat. 219, related to selection boards, and is now covered by sections 8362 and 8363 of Title 10, Armed Forces.

Section 1339, acts Sept. 3, 1954, ch. 1257, title V, § 509, 68 Stat. 1174; June 30, 1955, ch. 247, § 4(f), 69 Stat. 219, provided for promotion to first lieutenant, and to discharge for failure to qualify for permanent grade, and is now covered by sections 8365 and 8819 of Title 10, Armed Forces.

Section 1340, acts Sept. 3, 1954, ch. 1257, title V, § 510, 68 Stat. 1174; June 30, 1955, ch. 247, § 4(g), 69 Stat. 220, related to consideration for promotion to captain, major, and lieutenant colonel, and is now covered by section 8366 of Title 10, Armed Forces.

Section 1341, acts Sept. 3, 1954, ch. 1257, title V, § 511, 68 Stat. 1175; June 30, 1955, ch. 247, § 4(h), 69 Stat. 220, provided for promotion to captain, major or lieutenant

colonel, and is now covered by sections 8366 and 8380 of Title 10, Armed Forces.

Section 1342, act Sept. 3, 1954, ch. 1257, title V, § 512, 68 Stat. 1175, related to method of selection for promotion to captain, major, or lieutenant colonel, and is now covered by section 8367 of Title 10, Armed Forces.

Section 1343, act Sept. 3, 1954, ch. 1257, title V, § 513, 68 Stat. 1176, authorized special promotions, and is now covered by section 8372 of Title 10, Armed Forces.

Section 1344, act Sept. 3, 1954, ch. 1257, title V, § 514, 68 Stat. 1176, related to promotion of officers serving in temporary grade higher than permanent grade, and is now covered by section 8376 of Title 10, Armed Forces.

Section 1345, act Sept. 3, 1954, ch. 1257, title V, § 515, 68 Stat. 1177, related to female Reserve officers.

Section 1346, act Sept. 3, 1954, ch. 1257, title V, § 516, 68 Stat. 1177, related to promotion to colonel, and is now covered by section 8371 of Title 10, Armed Forces.

Section 1347, act Sept. 3, 1954, ch. 1257, title V, § 517, 68 Stat. 1177, provided for promotion to brigadier general and major general, and is now covered by sections 8373 and 8375 of Title 10, Armed Forces.

Section 1348, act Sept. 3, 1954, ch. 1257, title V, § 518, 68 Stat. 1178, provided for removal from the promotion list by the President, and is now covered by section 8377 of Title 10, Armed Forces.

Section 1349, act Sept. 3. 1954, ch. 1257, title V, § 519, 68 Stat. 1179, related to the Air National Guard, and is now covered by sections 8374, 8377 and 8379 of Title 10, Armed Forces, and section 307 of Title 32, National Guard.

Section 1350, act Sept. 3, 1954, ch. 1257, title V, § 520, 68 Stat. 1179, provided for promotion to first lieutenant in Air National Guard of the United States, and is now covered by sections 8365 and 8819 of Title 10, Armed Forces.

Section 1351, act Sept. 3, 1954, ch. 1257, title V, § 521, 68 Stat. 1179, provided for promotion to captain, major, and lieutenant colonel in the Air National Guard, and is now covered by section 8366 of Title 10, Armed Forces.

Section 1352, act Sept. 3, 1954, ch. 1257, title V, § 522, 68 Stat. 1180, related to deferred officers, and is now covered by sections 8368 and 8846 of Title 10, Armed Forces, and section 323 of Title 32, National Guard.

Section 1353, acts Sept. 3, 1954, ch. 1257, title V, § 523, 68 Stat. 1181; June 30, 1955, ch. 247, § 4(i), 69 Stat. 220, related to maximum ages for retention in active status, and is now covered by sections 8843—8845 of Title 10, Armed Forces.

Section 1354, acts Sept. 3, 1954, ch. 1257, title V, § 524, 68 Stat. 1182; June 30, 1955, ch. 247, § 4(j), 69 Stat. 220, related to elimination of officers for length of service, and is now covered by sections 8848, 8849, 8851 and 8852 of Title 10, Armed Forces.

Section 1355, act Sept. 3, 1954, ch. 1257, title V, § 525, 68 Stat. 1183, provided for elimination of excess officers, and is now covered by section 8850 of Title 10, Armed Forces.

Section 1356, act Sept. 3, 1954, ch. 1257, title V, § 526, 68 Stat. 1183, provided for elimination or transfer of adjutants general or assistant adjutants general, and is now covered by section 8381 of Title 10, Armed Forces.

Section 1357, act Sept. 3, 1954, ch. 1257, title V, § 527, as added June 30, 1955, ch. 247, § 4(k), 69 Stat. 220, related to civilian employees of the Air National Guard. See note set out under section 8846 of Title 10, Armed Forces.

SUBCHAPTER VI.—COAST GUARD RESERVE

§§ 1381 to 1398. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569.

Section 1381, act Sept. 3, 1954, ch. 1257, title VI, § 601, 68 Stat. 1183, defined terms used in former sections 1381—1399 of this title, and is now covered by section 770 of Title 14, Coast Guard.

Section 1382, act Sept. 3, 1954, ch. 1257, title VI, § 602, 68 Stat. 1183, related to applicability of former sections 1381—1399 of this title, and is now covered by section 771 of Title 14, Coast Guard.

Section 1383, act Sept. 3, 1954, ch. 1257, title VI, § 603, 68 Stat. 1184, related to authorized numbers and distribution of officers in the Coast Guard Reserve, and is now covered by section 772 of Title 14, Coast Guard.

Section 1384, act Sept. 3, 1954, ch. 1257, title VI, § 604, 68 Stat. 1184, related to promotions and selection boards, and is now covered by section 780 of Title 14, Coast Guard.

Section 1385, act Sept. 3, 1954, ch. 1257, title VI, § 605, 68 Stat. 1185, provided for precedence, and is now covered by section 781 of Title 14, Coast Guard.

Section 1386, acts Sept. 3, 1954, ch. 1257, title VI, § 606, 68 Stat. 1185; June 30, 1955, ch. 247, § 5(a), 69 Stat. 221, related to running mates, and is now covered by section 782 of Title 14, Coast Guard.

Section 1387, act Sept. 3, 1954, ch. 1257, title VI, § 607, 68 Stat. 1186, related to promotion zones, and is now covered by section 783 of Title 14, Coast Guard.

Section 1388, acts Sept. 3, 1954, ch. 1257, title VI, § 608, 68 Stat. 1186; June 30, 1955, ch. 247, § 5(b), 69 Stat. 221, related to date of rank upon promotion, and is now covered by section 784 of Title 14, Coast Guard.

Section 1389, act Sept. 3, 1954, ch. 1257, title VI, § 609, 68 Stat. 1186, related to minimum points for consideration for promotion, and is now covered by section 785 of Title 14, Coast Guard.

Section 1390, act Sept. 3, 1954, ch. 1257, title VI, § 610, 68 Stat. 1186, related to qualifications for promotion, and is now covered by section 786 of Title 14, Coast Guard.

Section 1391, act Sept. 3, 1954, ch. 1257, title VI, § 611, 68 Stat. 1186, related to failure of selection and elimination, and is now covered by section 787 of Title 14, Coast Guard.

Section 1392, act Sept. 3, 1954, ch. 1257, title VI, § 612, 68 Stat. 1187, provided for removal from promotion list by the President, and is now covered by section 788 of Title 14, Coast Guard.

Section 1393, act Sept. 3, 1954, ch. 1257, title VI, § 613, 68 Stat. 1187, related to maximum ages for active status, and is now covered by section 789 of Title 14, Coast Guard.

Section 1394, act Sept. 3, 1954, ch. 1257, title VI, § 614, 68 Stat. 1187, related to type of promotion, and is now covered by section 790 of Title 14, Coast Guard.

Section 1395, act Sept. 3, 1954, ch. 1257, title VI, § 615, 68 Stat. 1188, related to promotion of officers serving on active duty, and is now covered by section 791 of Title 14, Coast Guard.

Section 1396, act Sept. 3, 1954, ch. 1257, title VI, § 616, 68 Stat. 1188, provided for appointment of former Navy and Coast Guard officers, and is now covered by section 792 of Title 14, Coast Guard.

Section 1397, act Sept. 3, 1954, ch. 1257, title VI, § 617, 68 Stat. 1188, provided for recall of retired officers, and is now covered by section 793 of Title 14, Coast Guard.

Section 1398, act Sept. 3, 1954, ch. 1257, title VI, § 618, 68 Stat. 1188, authorized the Secretary to promulgate regulations, and is now covered by section 794 of Title 14, Coast Guard.

§ 1399. Promotion of officers selected for promotion prior to July 1, 1955.

CODIFICATION

Section act Sept. 3, 1954, ch. 1257, title VI, § 619, as added June 30, 1955, ch. 247, § 5(c), 69 Stat. 221, which authorized promotion of officers who were selected for promotion prior to July 1, 1955, was omitted from the Code.

Chapter 28.—STATUS OF ARMED FORCES PERSONNEL APPOINTED TO SERVICE ACADEMIES

§§ 1411 to 1414. Repealed. Pub. L. 85-861, § 86A, Sept. 2, 1958, 72 Stat. 1570.

Sections 1411—1414, act June 25, 1956, ch. 439, §§ 1—4, 70 Stat. 333, related to the status of Armed Forces personnel appointed to service academies, to continuance of enlistment contract or period of obligated service, reversion to enlistment status upon separation from service academy, charge against allowed number of personnel in Armed Forces, and to restriction on counting Academy service towards length of service as officer, and are now covered by sections 516, 3201, 3203, 3214, 5415, 8201, 8203 and 8214 of Title 10, Armed Forces.

Chapter 29.—NATIONAL DEFENSE CONTRACTS

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§ 1431. Authorization; official approval.

The President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense. The authority conferred by this section shall not be utilized to obligate the United States in an amount in excess of $50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein. (Pub. L. 85-804, § 1, Aug. 28, 1958, 72 Stat. 972.)

EX ORD. NO. 10789. CONTRACTING AUTHORITY OF GOVERNMENT AGENCIES IN CONNECTION WITH NATIONAL DEFENSE FUNCTIONS

Ex. Ord. No. 10789, Nov. 14, 1958, 23 F.R. 8897, as amended by Ex. Ord. No. 11051, Sept. 28, 1962, 27 F.R. 9683; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, provided:

By virtue of the authority vested in me by the act of August 28, 1958, 72 Stat. 972, hereinafter called the act [this chapter], and as President of the United States, and in view of the existing national emergency declared by Proclamation No. 2914 of December 16, 1950 [set out as a note preceding section 1 of Appendix to this title], and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

PART I—DEPARTMENT OF DEFENSE

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, the national defense will be facilitated thereby.

2. The Secretaries of Defense, the Army, the Navy, and the Air Force, respectively, may exercise the authority herein conferred and, in their discretion and by their direction, may delegate such authority to any other military or civilian officers or officials of their respective departments, and may confer upon any such military or civilian officers or officials the power to make further delegations of such authority within their respective commands or organizations: *Provided,* That the authority herein conferred shall not be utilized to obligate the United States in an amount in excess of $50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or by a departmental Contract Adjustment Board.

3. The contracts hereby authorized to be made shall include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of property or services necessary, appropriate, or convenient for the national defense, or for the invention, development, or production of, or research concerning, any such property or services, including, but not limited to, aircraft, missiles, buildings, vessels, arms, armament, equipment or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment without any restriction of any kind as to type, character, location, or form.

4. The Department of Defense may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the contract price, and may enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds. Amendments or modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

5. Proper records of all actions taken under the authority of the act shall be maintained within the Department of Defense. The Secretaries of Defense, the Army, the Navy, and the Air Force shall make such records available for public inspection except to the extent that they, or their duly authorized representatives, may respectively deem the disclosure of information therein to be detrimental to the national security.

6. The Department of Defense shall, by March 15 of each year, report to the Congress all actions taken within that department under the authority of the act during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall (except as the disclosure of such information may be deemed to be detrimental to the national security)—

(a) name the contractor;

(b) state the actual cost or estimated potential cost involved;

(c) describe the property or services involved; and

(d) state further the circumstances justifying the action taken.

7. There shall be no discrimination in any act performed hereunder against any person on the ground of race, religion, color, or national origin, and all contracts entered into, amended, or modified hereunder shall contain such nondiscrimination provision as otherwise may be required by statute or Executive order.

8. No claim against the United States arising under any purchase or contract made under the authority of the act and this order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended [section 203 of Title 31 and section 15 of Title 41].

9. Advance payments shall be made hereunder only upon obtaining adequate security.

10. Every contract entered into, amended, or modified pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

"The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona-fide employees or bona-fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee."

11. All contracts entered into, amended, or modified pursuant to authority of this order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to, such contracts or subcontracts.

12. Nothing herein contained shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits or fees;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304(a)(15) of Title 10 of the United States Code to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, finds that at the time the commitment was made it was impracticable to use normal procurement procedures.

13. The provisions of the Walsh-Healey Act (49 Stat. 2036), as amended [sections 35—45 of Title 41], the Davis-Bacon Act (49 Stat. 1011), as amended [sections 276a to 276a–5 of Title 40], the Copeland Act (48 Stat. 948), as amended, and the Eight-Hour Law (37 Stat. 137), as amended [sections 321 and 322 of Title 40], if otherwise applicable, shall apply to contracts made and performed under the authority of this order.

14. Nothing herein contained shall prejudice anything heretofore done under Executive Order No. 9001 of December 27, 1941, or Executive Order No. 10210 of February 2, 1951 [set out as notes under section 611 of this Appendix to this title], or any amendments or extensions thereof, or the continuance in force of an action heretofore taken under those orders or any amendments or extensions thereof.

15. Nothing herein contained shall prejudice any other authority which the Department of Defense may have to enter into, amend, or modify contracts, and to make advance payments.

PART II—EXTENSION OF PROVISIONS OF PARAGRAPHS 1—14

21. Subject to the limitations and regulations contained in paragraphs 1 to 14, inclusive, hereof, and under any regulations prescribed by him in pursuance of the provisions of paragraph 22 hereof, the head of each of the following-named agencies is authorized to perform or exercise as to his agency, independently of any Secretary referred to in the said paragraphs 1 to 14, all the functions and authority vested by those paragraphs in the Secretaries mentioned therein:

Department of the Treasury.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Department of Transportation.
Atomic Energy Commission.
General Services Administration.
National Aeronautics and Space Administration.
Tennessee Valley Authority.
Government Printing Office.

22. The head of each agency named in paragraph 21 hereof is authorized to prescribe regulations governing the carrying out of the functions and authority vested with respect to his agency by the provisions of paragraph 21 hereof. Such regulations shall, to the extent practicable, be uniform with the regulations prescribed or approved by the Secretary of Defense under the provisions of Part I of this order.

23. Nothing contained herein shall prejudice any other authority which any agency named in paragraph 21 hereof may have to enter into, amend, or modify contracts and to make advance payments.

24. Nothing contained in this Part shall constitute authorization thereunder for the amendment of a contract negotiated under section 322(c)(14) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 394), as amended by section 2(b) of the act of August 28, 1958, 72 Stat. 966 [section 252(c)(14) of Title 41], to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder.

DWIGHT D. EISENHOWER

§ 1432. Restrictions.

Nothing in this chapter shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304(a)(15) of Title 10 or under section 252(c)(13) of Title 41, to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

(Pub. L. 85–804, § 2, Aug. 28, 1958, 72 Stat. 972.)

REFERENCES IN TEXT

Section 252(c)(13) of Title 41, referred to in subd. (e), was renumbered section 252(c)(14) of Title 41 by Pub. L. 85–800, § 2(b), Aug. 28, 1958, 72 Stat. 966.

§ 1433. Public record; examination of records by Comptroller General; exemptions: exceptional conditions; reports to Congress.

(a) All actions under the authority of this chapter shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be detrimental to the national security.

(b) All contracts entered into, amended, or modified pursuant to authority contained in this chapter shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in

the performance of and involving transactions related to such contracts or subcontracts. Under regulations to be prescribed by the President, however, such clause may be omitted from contracts with foreign contractors or foreign subcontractors if the agency head determines, with the concurrence of the Comptroller General of the United States or his designee, that the omission will serve the best interests of the United States. However, the concurrence of the Comptroller General of the United States or his designee is not required for the omission of such clause—

(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2), a written report shall be furnished to the Congress. (Pub. L. 85–804, § 3, Aug. 28, 1958, 72 Stat. 972; Pub. L. 89–607, § 3, Sept. 27, 1966, 80 Stat. 851.)

AMENDMENTS

1966—Subsec. (b). Pub. L. 89–607 provided for exemption of certain contracts with foreign contractors from the requirement for an examination-of-records clause, such determination to be reported to Congress.

EXEMPTION OF FUNCTIONS

Functions with respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of Title 22, Foreign Relations and Intercourse.

§ 1434. Reports to Congress; publication.

(a) Every department and agency acting under authority of this chapter shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall—

(1) name the contractor;

(2) state the actual cost or estimated potential cost involved;

(3) describe the property or services involved; and

(4) state further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, and under regulations prescribed by the President, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the Congressional Record all reports submitted pursuant to this section. (Pub. L. 85–804, § 4, Aug. 28, 1958, 72 Stat. 972.)

§ 1435. Effective period.

This chapter shall be effective only during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate. (Pub. L. 85–804, § 5, Aug. 28, 1958, 72 Stat. 973.)

§ 1436. Reporting requirements.

(a) Definitions.

As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty in the grade of major (or equivalent) or above, and

(B) served on active duty for a period of ten years or more.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS–13.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than $10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Former military and civilian officials employed by defense contractors; Department of Defense employees previously employed by defense contractors.

Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense, involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties and the work performed by him for the defense contractor.

(5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.

(6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.

(8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS–13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties and the work performed by him for the defense contractor.

(7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the Department of Defense began thereafter.

(8) Such other pertinent information as the Secretary of Defense may require.

(c) Exceptions.

(1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than $10,000,000; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than $10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year; and no employee of the Department of Defense, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than $15,000 per year.

(d) Reports to Congress.

The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b)(1) and (b)(2) of this section. The Secretary shall include after each name so much information as he deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Termination of employment; filing reports under subsection (b)(1) or (2).

Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(2) of this section

for such year if he would otherwise be required to file under such subsection.

(f) Recordkeeping; availability of information.

The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b)(1) and (b)(2) of this section and such file shall be open for public inspection at all times during the regular workday.

(g) Penalties.

Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(h) Commencement date.

No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971. (Pub. L. 91-121, title IV, § 410, Nov. 19, 1969, 83 Stat. 210.)

Chapter 30.—FEDERAL ABSENTEE VOTING ASSISTANCE

SUBCHAPTER I.—RECOMMENDATION TO STATES

Sec.
1451. State enactment of absentee voting legislation.
1452. Balloting procedures.
1453. Statistical data.
1454. Personnel residing on military installations; acquisition of legal residence for voting purposes.

SUBCHAPTER II.—RESPONSIBILITIES OF FEDERAL GOVERNMENT

1461. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report.
1462. Current absentee voting information.
1463. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards.
1464. Form and content of post card application.
1465. Post card for election for Members of Congress.

SUBCHAPTER III.—GENERAL PROVISIONS

1471. Definitions.
1472. Free postage.
1473. Prevention of fraud and coercion.
1474. Acts done in good faith.
1475. Undue influence; free discussion.
1476. Appropriations.

SUBCHAPTER I.—RECOMMENDATION TO STATES

§ 1451. State enactment of absentee voting legislation.

The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(Aug. 9, 1955, ch. 656, title I, § 101, 69 Stat. 584; June 18, 1968, Pub. L. 90-343, § 1, 82 Stat. 180.)

AMENDMENTS

1968—Pub. L. 90-343 consolidated into par. (3) the provisions of former pars. (3) and (4) and, in such consolidated par. (3), substituted provisions which served to extend the recommendations to the states as to absentee voter registration so as to include citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them for former provisions of par. (3) which served to include civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by Congress, and provisions of former par. (4), which served to include members of religious groups and welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces and their spouses and dependents.

SHORT TITLE

Section 1 of act Aug. 9, 1955, provided that: "This Act [which enacted this chapter and repealed sections 301—303, 321-331, 341, and 351-355 of this title] may be cited as 'The Federal Voting Assistance Act of 1955'."

SEPARABILITY OF PROVISIONS

Section 306 of act Aug. 9, 1955, provided that: "If any provision of this act [this chapter] or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other persons or circumstances shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1452, 1454 of this title.

§ 1452. Balloting procedures.

To afford ample opportunity for persons covered by section 1451 of this title to vote for Federal, State and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 1451 of this title) provided pursuant to this chapter;

(2) waive registration of persons covered by section 1451 of this title, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this chapter as a simultaneous application for registration and for ballot;

(4) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the

election next ensuing after such discharge or termination;

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this chapter, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U.S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(10) for the purposes of this chapter, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

(Aug. 9, 1955, ch. 656, title I, § 102, 69 Stat. 584; June 18, 1968, Pub. L. 90–344, § 1(1), 82 Stat. 181.)

AMENDMENTS

1968—Cl. (10). Pub. L. 90–344 added heads of departments or agencies of the United States and civilian employees designated by the head of any department or agency of the United States to the recommended list of persons authorized to administer and attest to oaths as required by state law.

§ 1453. Statistical data.

It is recommended that each of the several States make available to the officer designated by the President under section 1461 of this title appropriate statistical data to assist him in compiling comprehensive information of operations under this chapter. (Aug. 9, 1955, ch. 656, title I, § 103, 69 Stat. 584.)

§ 1454. Personnel residing on military installations; acquisition of legal residence for voting purposes.

It is recommended that each of the several States permit any person covered by section 1451(1) of this title who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections. (Aug. 9, 1955, ch. 656, title I, § 104, as added June 18, 1968, Pub. L. 90–344, § 1(2), 82 Stat. 181.)

SUBCHAPTER II.—RESPONSIBILITIES OF FEDERAL GOVERNMENT

§ 1461. Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities; report.

The President is authorized to designate, with provision for redelegation, the head (hereinafter referred to as the Presidential designee) of any executive department or agency to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under this chapter. The Presidential designee is authorized to request from other executive departments and agencies such assistance as he deems necessary to effectuate the purposes of this chapter, and shall submit a report to the President and to the Congress in odd-numbered years. Such report shall cover the administration of Federal responsibilities authorized under this subchapter, the progress of the States in carrying out the recommendations contained in subchapter I of this chapter, statistical data relating to absentee voting, and such other information as the Presidential designee may consider appropriate. (Aug. 9, 1955, ch. 656, title II, § 201, 69 Stat. 585.)

EX. ORD. NO. 10646. DESIGNATION OF SECRETARY OF DEFENSE AS COORDINATOR

Ex. Ord. No. 10646, Nov. 22, 1955, 20 F.R. 8681, provided:

1. The Secretary of Defense is hereby designated as the official to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955 [this chapter].

2. In order to effectuate the purposes of the said act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this order to any person or persons within the Department of Defense.

DWIGHT D. EISENHOWER

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1453 of this title.

§ 1462. Current absentee voting information.

The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on,

absentee registration and voting procedures, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this chapter. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary. (Aug. 9, 1955, ch. 656, title II, § 202, 69 Stat. 586.)

§ 1463. Cooperation of Government officials; drafts of state legislation; printing and transmitting of post cards.

All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this chapter. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this chapter is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the Council of State Governments in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this chapter;

(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this chapter. Such post cards shall be delivered by the department or agency concerned to persons to whom this chapter is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and

(3) the Postmaster General and the heads of the departments and agencies concerned, where practicable and compatible with their operations, to facilitate the transmission of balloting material to and from persons to whom this chapter is applicable. Ballots executed outside the United States by persons to whom this chapter is applicable shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

(Aug. 9, 1955, ch. 656, title II, § 203, 69 Stat. 586; June 18, 1968, Pub. L. 90–344, § 1(3), 82 Stat. 181.)

AMENDMENTS

1968—C1. (2). Pub. L. 90–344 substituted provisions that post cards shall be delivered and in the hands of the persons concerned not later than August 15 if they are without the territorial limits of the United States and not later than September 15 if they are within the territorial limits of the United States for provisions that such post cards shall, wherever practicable and compatible with other operations, be made available to the persons concerned by the specified dates.

§ 1464. Form and content of post card application.

The form of the Federal post card application shall be as follows:

(a) The cards shall be approximately nine and one-half by four and one-eighth inches in size.

(b) Upon one side, perpendicular to the long dimension of the card, there shall be printed in black type the following:

FILL OUT BOTH SIDES OF CARD

POST CARD APPLICATION FOR ABSENTEE BALLOT

State or Commonwealth of _____
(Fill in name of State or Commonwealth)

(1) I hereby request an absentee ballot to vote in the coming election:

(GENERAL) (PRIMARY) * (SPECIAL) ELECTION
(Strike out inapplicable words)

*(2) If a ballot is requested for a primary election, print your political party affiliation or preference in this box: ☐
(If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, eligible to vote in above State, and am:

a. A member of the Armed Forces of the United States ☐

b. A member of the merchant marine of the United States ☐

c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia ☐

d. A spouse or dependent of a person listed in (a) or (b) above ☐

e. A spouse or dependent residing with or accompanying a person described in (c) above ☐

(4) I was born on _____
(Day) (Month) (Year)

(5) For ____ years preceding the above election my home (not military) residence in the above State has been _____
(Street and number or rural route, etc.)
in the county or parish of _____
The voting precinct or election district for this residence is _____
(Enter if known)

(6) Remarks: _____
_____

(7) Mail my ballot to the following official address:
For those assigned in the U.S.:
_____
(Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office)
_____
(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)
For those assigned elsewhere:
_____
(APO or FPO number)

(8) I am NOT requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address

(9) _____
(Signature of person requesting ballot)

(10) _____
(Full name, typed or printed with rank or grade, and service number)

(11) Subscribed and sworn to before me on _____
_____
(Day, month, and year)

_____
(Signature of official administering oath)

_____
(Typed or printed name of official administering oath)

_____
(Title or rank, service number, and organization of administering official)

INSTRUCTIONS

A. Before filling out this form see your voting officer in regard to the voting laws of your State and absentee registration and voting procedure.

B. Type or print all entries except signatures. FILL OUT BOTH SIDES OF CARD.

C. Address card to proper State official. Your voting officer or commanding officer will furnish you his title and address.

D. Mail card as soon as your State will accept your application.

E. NO postage is required for the card.

(c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

_____	FREE of U.S. Postage Including Air Mail
_____	Official Mailing Address

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: _____
(Title of Election Official)

_____
(County or Township)

_____
(City or Town, State)

(Aug. 9, 1955, ch. 656, title II, § 204, 69 Stat. 586; June 18, 1968, Pub. L. 90-343, § 2, 82 Stat. 181; June 18, 1968, Pub. L. 90-344, § (4)—(6), 82 Stat. 182.)

AMENDMENTS

1968—Subsec. (b)(3)(c). Pub. L. 90-343, § 2, substituted "A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia" for "A member of a religious or welfare organization assisting servicemen".

Subsec. (b)(3)(d). Pub. L. 90-343, § 2, substituted "A spouse or a dependent of a person listed in (a) or (b) above" for "A civilian employed by the United States Government outside the United States (continental)".

Subsec. (b)(3)(e). Pub. L. 90-343, § 2, substituted "A spouse or dependent residing with or accompanying a person described in (c) above" for "A spouse or dependent of a person listed in (a), (b), or (c) above."

Subsec. (b)(3)(f). Pub. L. 90-343, § 2, struck out subsec. (b)(3)(f) which made provision for a spouse or dependent residing with a civilian employed by the United States Government outside of the (continental) United States.

Subsec. (b)(5). Pub. L. 90-344, § 1(4), added the provision for insertion of the applicant's county or parish.

Subsec. (b)(7). Pub. L. 90-344, § 1(5), substituted provisions differentiating between the style of address for persons assigned in the United States and persons assigned elsewhere for provisions setting out a single style of address for all applicants.

Subsec. (c). Pub. L. 90-344, § 1(6), substituted provisions for the official mailing address of the applicant for provisions for the name, unit, government agency, or office, military base, station, ship or office, street number, APO or FPO number, and city, postal zone, and state of the applicant.

§ 1465. Post card for election for Members of Congress.

The previously authorized Federal post card form shall be utilized prior to and in connection with the election for Members of Congress next ensuing after August 9, 1955, and the Presidential designee shall initiate action to make such forms available to departments and agencies having a need therefor. Thereafter only the post card form authorized in this chapter shall be utilized. (Aug. 9, 1955, ch. 656, title II, § 205, 69 Stat. 588.)

SUBCHAPTER III.—GENERAL PROVISIONS

§ 1471. Definitions.

As used in this chapter—

(1) The term "Armed Forces" means the uniformed services as defined in section 231 of Title 37.

(2) The term "members of the merchant marine of the United States" means persons (other than members of the Armed Forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the Armed Forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

(3) The term "dependent" means any person who is in fact a dependent.

(Aug. 9, 1955, ch. 656, title III, § 301, Stat. 588.)

STATE

Section 2(c) of Pub. L. 87-389, Oct. 4, 1961, 75 Stat. 820, provided that: "For the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584) [this chapter] the word 'State' shall be deemed to include the District of Columbia."

§ 1472. Free postage.

Official post cards, ballots, voting instructions, and envelopes referred to in this chapter, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails. (Aug. 9, 1955, ch. 656, title III, § 302, 69 Stat. 588.)

§ 1473. Prevention of fraud and coercion.

Every individual concerned with the administration of this chapter shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast. (Aug. 9, 1955, ch. 656, title III, § 303, 69 Stat. 588.)

§ 1474. Acts done in good faith.

No act done in good faith under this chapter by a person serving in or with the Federal or military service of the United States in the exercise of his judgment as to what was practicable and compatible with military, merchant marine, or other Federal governmental operations, shall constitute a violation of any provision of law relating to the elective franchise. (Aug. 9, 1955, ch. 656, title III, § 304, 69 Stat. 589.)

§ 1475. Undue influence; free discussion.

It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office. (Aug. 9, 1955, ch. 656, title III, § 305, 69 Stat. 589.)

§ 1476. Appropriations.

There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this chapter. (Aug. 9, 1955, ch. 656, title III, § 308, 69 Stat. 589.)

Chapter 31.—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

§§ 1501 to 1509. Transferred.

Sections, Pub. L. 86–380, §§ 1–9, Sept. 24, 1959, 73 Stat. 703, have been transferred to sections 4271–4279 of Title 42, The Public Health and Welfare.

Chapter 32.—CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

Sec.
1511. Reports to Congress.
1512. Transportation, open air testing, and disposal; Presidential determination; report to Congress; notice to Congress and State Governors.
1513. Deployment, storage, and disposal; notification to host country and Congress; international law violations; reports to Congress and international organizations.
1514. "United States" defined.
1515. Suspension; Presidential authorization.
1516. Delivery systems.
1517. Immediate disposal when health or safety are endangered.
1518. Disposal; detoxification; report to Congress; emergencies.

§ 1511. Reports to Congress.

The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor. (Pub. L. 91–121, title IV, § 409(a), Nov. 19, 1969, 83 Stat. 209.)

§ 1512. Transportation, open air testing, and disposal; Presidential determination; report to Congress; notice to Congress and State Governors.

None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States, or the disposal of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense (hereafter referred to in this chapter as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation, testing, or disposal to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation, testing, or disposal may pose and to recommend what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation, testing, or disposal, the President may determine that overriding considerations of national security require such transportation, testing, or disposal be conducted. Any transportation, testing, or disposal conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

(4) the Secretary has provided notification that the transportation, testing, or disposal will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing or disposal will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

(Pub. L. 91–121, title IV, § 409(b), Nov. 19, 1969, 83 Stat. 209; Pub. L. 91–441, title V, § 506(b)(1), Oct. 7, 1970, 84 Stat. 912.)

REFERENCES IN TEXT

"This Act", referred to in the introductory text, means Pub. L. 91–121, the Armed Forces Appropriation Authorization, 1970. Pub. L. 91–121, which is set out in part in the Code, enacted this chapter and section 1436 of this title, amended section 5315(13) of Title 5 and sections 136(a), (b) and 264(c) of Title 10, enacted provisions set out as notes under sections 261 and 2358 of Title 10, and amended provisions set out as notes under sections 133 and 3201 of Title 10.

AMENDMENTS

1970—Pub. L. 91–441 inserted reference to the disposal of lethal chemical or biological warfare agents in the United States.

CHEMICAL MUNITIONS TRANSPORTATION FROM OKINAWA TO THE UNITED STATES

Section 13 of Pub. L. 91–672, Jan. 12, 1971, 84 Stat. 2055, provided that: "No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term 'United States' means the several States and the District of Columbia."

§ 1513. Deployment, storage, and disposal; notification to host country and Congress; international law violations; reports to Congress and international organizations.

(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, storage, or disposal, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

unless prior notice of such deployment, storage, or disposal has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States, or for the disposal of any munitions in international waters, if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement. (Pub. L. 91–121, title IV, § 409(c), Nov. 19, 1969, 83 Stat. 210; Pub. L. 91–441, title V, § 506(b)(2), (3), Oct. 7, 1970, 84 Stat. 912.)

REFERENCES IN TEXT

For classifications in the Code of "this Act" referred to in pars. (1) and (2), see note set out under section 1512 of this title.

AMENDMENTS

1970—Par. (1) Pub. L. 91–441, § 506(b)(2), inserted reference to the disposal of lethal chemical or biological warfare agents or delivery systems for such agents.

Par. (2). Pub. L. 91–441, § 506(b)(3), inserted reference to the disposal of munitions in international waters.

§ 1514. "United States" defined.

Unless otherwise indicated, as used in this chapter the term "United States" means the several States the District of Columbia, and the territories and possessions of the United States. (Pub. L. 91–121, title IV, § 409(d), Nov. 19, 1969, 83 Stat. 210.)

§ 1515. Suspension; Presidential authorization.

After November 19, 1969, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President. (Pub L. 91–121, title IV, § 409(e), Nov. 19, 1969, 83 Stat. 210.)

§ 1516. Delivery systems.

None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States. (Pub. L. 91–121, title IV, § 409(f), Nov. 19, 1969, 83 Stat. 210.)

REFERENCES IN TEXT

For classifications in the Code of "this Act," referred to in the text, see note set out under section 1512 of this title.

SIMILAR PROVISIONS

Section is from the Armed Forces Appropriation Authorization, 1970, Pub. L. 91–121. Similar provisions were contained in Pub. L. 91–441, title V, § 506(a), Oct. 7, 1970, 84 Stat. 912.

§ 1517. Immediate disposal when health or safety are endangered.

Nothing contained in this chapter shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this chapter would clearly endanger the health or safety of any person. (Pub. L. 91–121, title IV, § 409(g), as added Pub. L. 91–441, title V, § 506(b)(4), Oct. 7, 1970, 84 Stat. 912.)

§ 1518. Disposal; detoxification; report to Congress; emergencies.

On and after October 7, 1970, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal. (Pub. L. 91–441, title V, § 506(d), Oct. 7, 1970, 84 Stat. 913.)

CODIFICATION

Section was not enacted as part of section 409 of Pub. L. 91–121 which enacted this chapter.

TITLE 50, APPENDIX.—WAR AND NATIONAL DEFENSE

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I. PROCLAMATIONS OF STATE OF WAR

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War between Germany and Belgium, Luxemburg, and the Netherlands	Proc. No. 2404
War between Italy and France and United Kingdom	Proc. No. 2407
War between Italy and Greece	Proc. No. 2443
War between Germany-Italy and Yugoslavia	Proc. No. 2473
War between Hungary and Yugoslavia	Proc. No. 2477
War between Bulgaria and Yugoslavia and Greece	Proc. No. 2479

II. PROCLAMATIONS OF UNITED STATES NEUTRALITY

War between Germany and France; Poland; United Kingdom, India, Australia and New Zealand	Proc. No. 2348
War between Germany and Union of South Africa, Canada	Proc. Nos. 2353, 2359
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War between Germany and Belgium, Luxemburg, and the Netherlands	Proc. No. 2405
War between Italy and France and United Kingdom	Proc. No. 2408
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National Emergency of 1941	Proc. No. 2487
Removal of Alien Enemies	Proc. No. 2685
Termination of War Relief Control Board	Ex. Ord. No. 9723
Termination of Wartime Emergencies	Proc. No. 2974

IV. DECLARATIONS OF WAR BY UNITED STATES

War between United States and Germany	Joint Res. April 6, 1917, 40 Stat. 1
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War between United States and Japan	Res. Dec. 8, 1941, ch. 561
War between United States and Germany	Res. Dec. 11, 1941, ch. 564
War between United States and Italy	Res. Dec. 11, 1941, ch. 565
War between United States and Bulgaria	Res. June 5, 1942, ch. 323
War between United States and Hungary	Res. June 5, 1942, ch. 324
War between United States and Rumania	Res. June 5, 1942, ch. 325
War between United States and Hungary, Bulgaria, and Rumania	Proc. No. 2563

V. TERMINATION OF STATE OF WAR

Cessation of Hostilities of World War II	Proc. No. 2714
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Treaty of Peace with Japan	Sept. 8, 1951
Termination of War with Germany	Jt. Res. Oct. 19, 1951, Proc. No. 2950
Ratification of Japanese Peace Treaty	Mar. 20, 1952

VI. AUTHORIZATION TO EMPLOY ARMED FORCES

Maintenance of International Peace and Security in Southeast Asia	Pub. L. 88-408, Aug. 10, 1964, 78 Stat. 384
Interdiction of the Delivery of Offensive Weapons to Cuba	Proc. No. 3504, Oct. 23, 1962
Termination of Authority Granted and Orders Issued in Proc. No. 3504	Proc. 3507, Nov. 21, 1962
Middle East Stabilization	Pub. L. 85-7, Mar. 9, 1957, 71 Stat. 5
Protection of Security of Formosa	Res. Jan. 29, 1955

See, also, notes under the Neutrality Act of 1939, sections 441, 444, 445, 447—451, 453—457 of Title 22, Foreign Relations and Intercourse.

I. PROCLAMATIONS OF STATE OF WAR

Proc. No. 2374, Nov. 4, 1939, 12:04 p. m., 4 F. R. 4493, 54 Stat. 2671, proclaimed a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa.

Proc. No. 2398, Apr. 25, 1940, 5 F. R. 1569, 54 Stat. 2698, proclaimed a state of war between Germany and Norway.

Proc. No. 2404, May 11, 1940, 5 F. R. 1689, 54 Stat. 2703, proclaimed a state of war between Germany and Belgium, Luxemburg, and the Netherlands.

Proc. No. 2407, June 10, 1940, 10:20 p. m., E. S. T., 5 F. R. 2191, 54 Stat. 2706, proclaimed a state of war between Italy and France and United Kingdom.

Proc. No. 2443, Nov. 15, 1940, 5 F. R. 4523, 54 Stat. 2763, proclaimed a state of war between Italy and Greece.

Proc. No. 2473, Apr. 10, 1941, 6 F. R. 1905, 55 Stat. 1627, proclaimed a state of war between Germany-Italy and Yugoslavia.

Proc. No. 2477, Apr. 15, 1941, 6 F. R. 1995, 55 Stat. 1631, proclaimed a state of war between Hungary and Yugoslavia.

Proc. No. 2479, Apr. 24, 1941, 6 F. R. 2133, 55 Stat. 1636, proclaimed a state of war between Bulgaria and Yugoslavia and Greece.

II. PROCLAMATIONS OF UNITED STATES NEUTRALITY

Proc. No. 2348, Sept. 5, 1939, 4 F. R. 3809, 54 Stat. 2629, proclaimed neutrality of United States in war between Germany and France; Poland; United Kingdom, India, Australia, and New Zealand.

Proc. No. 2353, Sept. 8, 1939, 4 F. R. 3851, 54 Stat. 2643, proclaimed neutrality of United States in war between Germany and Union of South Africa.

Proc. No. 2359, Sept. 10, 1939, 4 F. R. 3857, 54 Stat. 2652, proclaimed neutrality of United States in war between Germany and Canada.

Proc. No. 2399, Apr. 25, 1940, 5 F. R. 1569, 54 Stat. 2699, proclaimed neutrality of United States in war between Germany and Norway.

Proc. No. 2405, May 11, 1940, 5 F. R. 1689, 54 Stat. 2704, proclaimed neutrality of United States in war between Germany and Belgium, Luxemburg, and the Netherlands.

Proc. No. 2408, June 10, 1940, 10:20 p. m. E. S. T., 5 F. R. 2191, 54 Stat. 2707, proclaimed neutrality of United States in war between Italy and France and United Kingdom.

Proc. No. 2444, Nov. 15, 1940, 5 F. R. 4523, 54 Stat. 2764, proclaimed neutrality of United States in war between Italy and Greece.

III. MISCELLANEOUS PROCLAMATIONS AND EXECUTIVE ORDERS

Ex. Ord. No. 8233, Sept. 5, 1939, 4 F. R. 3822, referred to regulations governing enforcement of neutrality of the United States.

Ex. Ord. No. 8234. Regulations Governing Passage and Control of Vessels Through Panama Canal in any War in Which the United States is Neutral

Ex. Ord. No. 8234, Sept. 5, 1939, 4 F. R. 3823, as amended by Ex. Ord. No. 8382, Mar. 25, 1940, 5 F.R. 1185, provided:

Whereas the treaties of the United States, in any war in which the United States is a neutral, impose on the United States certain obligations to both neutral and belligerent nations;

And whereas the treaties of the United States, in any war in which the United States is a neutral, require that the United States exert all the vigilance within their power to carry out their obligations as a neutral;

And whereas treaties of the United States require that the Panama Canal shall be free and open, on terms of entire equality, to the vessels of commerce and of war of all nations observing the rules laid down in Article 3 of

the so-called Hay-Pauncefote treaty concluded between the United States and Great Britain, November 18, 1901;

Now, therefore, by virtue of the authority vested in me by section 5 of the Panama Canal Act, approved August 24, 1912 (ch. 390, sec. 5, 37 Stat. 562), as amended by the act of July 5, 1932 (ch. 425, 47 Stat. 578), I hereby prescribe the following regulations governing the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto, in any war in which the United States is a neutral;

1. Whenever considered necessary, in the opinion of the Governor of the Panama Canal, to prevent damage or injury to vessels or to prevent damage or injury to the Canal or its appurtenances, or to secure the observance of the rules, regulations, rights, or obligations of the United States, the Canal authorities may at any time, as a condition precedent to transit of the Canal, inspect any vessel, belligerent or neutral, other than a public vessel, including its crew and cargo, and, for and during the passage through the Canal, place armed guards thereon, and take full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by the Canal authorities to go or remain on board thereof during such passage.

2. A public vessel of a belligerent or neutral nation shall be permitted to pass through the Canal only after her commanding officer has given written assurance to the authorities of the Panama Canal that the rules, regulations, and treaties of the United States will be faithfully observed.

3. *Possession of cameras on board vessels; photographing from vessels.* While on board any vessel in transit through the Panama Canal, no person shall (a) have or remain in possession of any camera, or (b) make any photograph, sketch, picture, drawing, map, or graphical representation of any of the locks of the Panama Canal, or of any portion of any such lock, or of any area within or adjacent to any such lock, or of any object or structure within or upon any such area, without first obtaining the permission of the Governor of The Panama Canal, and promptly submitting the product obtained to the Governor for such action as he may deem necessary. The master of every vessel that transits the Panama Canal (a) shall prior to the beginning of each transit cause all cameras on board such vessel, or which are brought on board by embarking passengers, or otherwise, to be collected and delivered to him, and shall retain the said cameras in his possession, in a secure and inaccessible place, until the disembarkation of the original possessors thereof or until the transit through the Canal is completed, and (b) shall during such transit take such further action, in cooperation with the Canal authorities, as may be necessary to prevent the making, by any person on board such vessel in the waters of the Canal Zone, of any photograph, sketch, picture, drawing, map, or graphical representation which is forbidden by this paragraph; but these provisions shall not apply with respect to any person who has obtained permission as provided in this paragraph. Any person who shall violate any provision of this paragraph shall be punishable as provided in section 9 of title 2 of the Canal Zone Code.

The foregoing regulations are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its Jurisdiction" prescribed by Executive Order No. 4314 of September 25, 1925, as amended, and the provisions of proclamations and executive orders pertaining to the Canal Zone issued in conformity with the laws and treaties of the United States.

Proc. No. 2350, Sept. 5, 1939, 4 F. R. 3821, 54 Stat. 2368, referred to regulations concerning neutrality in the Canal Zone.

FRANKLIN D. ROOSEVELT

PROC. NO. 2914. NATIONAL EMERGENCY, 1950

Proc. No. 2914, Dec. 16, 1950, 15 F.R. 9029, 64 Stat. A454 provided:

Whereas recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

Whereas world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

Whereas, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the freedom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

Whereas the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

Now, therefore, I, Harry S. Truman, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

HARRY S. TRUMAN

NATIONAL EMERGENCY OF 1939

Proc. No. 2352, Sept. 8, 1939, 4 F. R. 3851, 54 Stat. 2643, proclaimed national emergency in connection with enforcement of neutrality which was terminated by Proc. No. 2974, set out as a note preceding section 1 of this Appendix.

NATIONAL EMERGENCY OF 1941

Proc. No. 2487, May 27, 1941, 6 F. R. 2617, 55 Stat. 1647, proclaimed an unlimited national emergency which was terminated by Proc. No. 2974, set out as a note preceding section 1 of this Appendix.

EX. ORD. NO. 9723. TERMINATION OF PRESIDENT'S WAR RELIEF CONTROL BOARD

Ex. Ord. No. 9723, May 15, 1946, 11 F. R. 5345, provided:

Executive Order No. 9205 of July 25, 1942, is revoked, and the President's War Relief Control Board established by that order is hereby terminated. The Secretary of State is authorized and directed to liquidate all of the activities and obligations and wind up all of the affairs of the Board as rapidly as practicable, and to utilize therefore such of the personnel property, records, and unexpended appropriations of the Board as may be necessary.

HARRY S. TRUMAN

PROC. NO. 2685. REMOVAL OF ALIEN ENEMIES

Proc. No. 2685, Apr. 11, 1946, 11 F. R. 4079, 60 Stat. Pt. 2, p. 1342, provided:

1. All alien enemies within the continental limits of the United States brought here from other American republics after December 7, 1941, who are within the territory of the United States without admission under the immigration laws, shall, if their continued residence in the Western Hemisphere is deemed by the Secretary of State to be prejudicial to the future security or welfare of the Americas, be subject upon the order of the Secretary of State to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Secretary of State may prescribe.

2. In all cases in which the Secretary of State shall have ordered the removal of an alien enemy under the authority of this proclamation or in which the Attorney General shall have ordered the removal of an alien enemy under the authority of Proclamation No. 2655 of July 14, 1945, thirty days shall be considered, and is hereby declared to be, a reasonable time for such alien enemy to effect the recovery, disposal, and removal of his goods and effects, and for his departure.

3. This proclamation supersedes Proclamation No. 2662 of September 8, 1945, entitled "Removal of Alien Enemies."

HARRY S. TRUMAN

PROC. NO. 2974, TERMINATION OF WARTIME EMERGENCIES

Proc. No. 2974, Apr. 29, 1952, 17 F. R. 3813, 66 Stat. c31, provided: now, therefore, I, Harry S. Truman, President of the United States of America, do proclaim that the national emergencies declared to exist by the proclamations of September 8, 1939 [set out as a note preceding section 1 of this Appendix], and May 27, 1941 [set out as a note preceding section 1 of this Appendix], terminated this day upon the entry into force of the Treaty of Peace with Japan.

Nothing in this proclamation shall be construed to affect Proclamation No. 2914 [set out as a note preceding section 1 of this Appendix], issued by the President on December 16, 1950, declaring that world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world, and proclaiming the existence of a national emergency requiring that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace; and nothing herein shall be construed to affect the continuation of the said emergency of September 8, 1939, as specified in the Emergency Powers Interim Continuation Act, approved April 14, 1952 (Public Law 313—82d Congress), for the purpose of continuing the use of property held under the Act of October 14, 1940, ch. 862, 54 Stat. 1125, as amended [subchapters II—VII of chapter 9 of Title 42, Public Health and Welfare].

HARRY S. TRUMAN

IV. DECLARATIONS OF WAR BY UNITED STATES

WAR BETWEEN UNITED STATES AND GERMANY

Declared by Joint Res. April 6, 1917, 40 Stat. 1.

WAR BETWEEN UNITED STATES AND AUSTRIA-HUNGARY

Declared by Joint Res. Dec. 7, 1917, 40 Stat. 429.

WAR BETWEEN UNITED STATES AND JAPAN

Declared by Joint Res. Dec. 8, 1941, 4:10 p. m., E. S. T., ch. 561, 55 Stat. 795.

WAR BETWEEN UNITED STATES AND GERMANY

Declared by Joint Res. Dec. 11, 1941, 3:05 p. m. E. S. T., ch. 564, 55 Stat. 796.

WAR BETWEEN UNITED STATES AND ITALY

Declared by Joint Res. Dec. 11, 1941, 3:06 p. m., E. S. T., ch. 565, 55 Stat. 797.

WAR BETWEEN THE UNITED STATES AND BULGARIA

Declared by Joint Res. June 5, 1942, ch. 323, 56 Stat. 307.

WAR BETWEEN UNITED STATES AND HUNGARY

Declared by Joint Res. June 5, 1942, ch. 324, 56 Stat. 307.

WAR BETWEEN UNITED STATES AND RUMANIA

Declared by Joint Res. June 5, 1942, ch. 325, 56 Stat. 307.

PROC. NO. 2563. PROCLAMATION OF STATE OF WAR BETWEEN UNITED STATES AND HUNGARY, BULGARIA, AND RUMANIA.

Proc. No. 2563, July 17, 1942, 7 F. R. 5535, 56 Stat. 1970, proclaimed that a state of war existed between the United States and Hungary, Rumania and Bulgaria.

V. TERMINATION OF STATE OF WAR

CESSATION OF HOSTILITIES

The cessation of hostilities of World War II was officially proclaimed by the President of the United States, Proclamation No. 2714, 12 F. R. 1, dated December 31, 1946, in the following language:

> Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

TREATY OF PEACE WITH ITALY, BULGARIA, HUNGARY, RUMANIA AND FINLAND

On the 10th day of February 1947, separate Treaties of Peace were concluded by designated Allied and Associated Powers, including the United States of America, with Italy, Bulgaria, Hungary and Rumania.

Each of these Treaties contained a recital in the Preamble that the Allied and Associated Powers named therein

> Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following provisions: * * * .

The full text of the Treaties of Peace with Italy, Bulgaria, Hungary, Rumania and Finland are set out in 61 Stat. 1245, 1915, 2065, 1757.

On the same date a Treaty of Peace was concluded with Finland. The United States is not a signatory thereto.

TREATY OF PEACE WITH JAPAN

The Treaty of Peace with Japan signed at the city of San Francisco on the 8th day of September 1951, Chapter I, Article 1, provides:

> (a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.

Article 23 of Chapter VII, above referred to, provides:

> (a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States [here would appear the names of such of the following States as are signatories to the present Treaty], namely Australia, Burma, Canada, Ceylon, France, India, Indonesia, the Netherlands, New Zealand, Pakistan, the Philippines, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America. The present Treaty shall come into force for each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.
>
> (b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Government of Japan and of the United States of America not later than three years after the date of deposit of Japan's ratification.

GERMANY

JOINT RESOLUTION OF CONGRESS

Joint Res. Oct. 19, 1951, ch. 519, 65 Stat. 451, provided: "That the state of war declared to exist between the United States and the Government of Germany by the joint resolution of Congress approved December 11, 1941, is hereby terminated and such termination shall take effect on the date of enactment of this resolution [Oct. 19, 1951]: *Provided, however,* That notwithstanding this resolution and any proclamation issued by the President pursuant thereto, any property or interest which prior to January 1, 1947, was subject to vesting or seizure under the provisions of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended [sections 1—6, 7—39, 41—44 of this Appendix] or which has heretofore been vested or seized under that Act [said sections], including accruals to or proceeds of any such property or interest, shall continue to be subject to the provisions of that Act [said sections] in the same manner and to the same extent as if this resolution had not been adopted and such proclamation had not been issued. Nothing herein and nothing in such proclamation shall alter the status, as it existed immediately prior hereto, under that Act [said sections], of Germany or of any person with respect to any such property or interest."

PROCLAMATION NO. 2950

Proc. No. 2950, Oct. 25, 1951, 16 F. R. 10915, 66 Stat. c3, proclaimed that the state of war between the United States and the Government of Germany declared on Dec. 11, 1941 was terminated on Oct. 19, 1951.

RATIFICATION OF JAPANESE PEACE TREATY

The Treaty of Peace with Japan, signed at San Francisco on September 8, 1951, was ratified by the United States Senate on March 20, 1952. For Resolution of ratification, see Congressional Record, Vol. 98, No. 46, Thursday March 20, 1952, p. 2634.

VI. AUTHORIZATION TO EMPLOY ARMED FORCES

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Pub. L. 88–408, Aug. 10, 1964, 78 Stat. 384, which authorized the President to take all necessary measures to repel armed attack against the forces of the United States in the interest of the maintenance of peace and security in Southeast Asia, was terminated by Pub. L. 91–672, § 12, Jan. 12, 1971, 84 Stat. 2055, effective upon the day that the second session of the Ninety-first Congress was last adjourned. The second session of the Ninety-first Congress adjourned sine die on January 2, 1971.

PROC. NO. 3504. INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA

Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, provided:

WHEREAS the peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America;

WHEREAS by a Joint Resolution passed by the Congress of the United States and approved on October 3, 1962, it was declared that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

WHEREAS the Organ of Consultation of the American Republics meeting in Washington on October 23, 1962, recommended that the Member States, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively, including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority conferred upon me by the Constitution and statutes of the United States, in accordance with the aforementioned resolutions of the United States Congress and of the Organ of Consultation of the American Republics, and to defend the security of the United States, do hereby proclaim that the forces under my command are ordered, beginning at 2:00 P.M. Greenwich time October 24, 1962, to interdict, subject to the instructions herein contained, the delivery of offensive weapons and associated materiel to Cuba.

For the purposes of this Proclamation, the following are declared to be prohibited materiel:

Surface-to-surface missiles; bomber aircraft; bombs, air-to-surface rockets and guided missiles; warheads for any of the above weapons; mechanical or electronic equipment to support or operate the above items; and any other classes of materiel hereafter designated by the Secretary of Defense for the purpose of effectuating this Proclamation.

To enforce this order, the Secretary of Defense shall take appropriate measures to prevent the delivery of prohibited materiel to Cuba, employing the land, sea and air forces of the United States in cooperation with any forces that may be made available by other American States.

The Secretary of Defense may make such regulations and issue such directives as he deems necessary to ensure the effectiveness of this order, including the designation, within a reasonable distance of Cuba, of prohibited or restricted zones and of prescribed routes.

Any vessel or craft which may be proceeding toward Cuba may be intercepted and may be directed to identify itself, its cargo, equipment and stores and its ports of call, to stop, to lie to, to submit to visit and search, or to proceed as directed. Any vessel or craft which fails or refuses to respond to or comply with directions shall be subject to being taken into custody. Any vessel or craft which it is believed is en route to Cuba and may be carrying prohibited materiel or may itself constitute such materiel shall, wherever possible, be directed to proceed to another destination of its own choice and shall be taken into custody if it fails or refuses to obey such directions. All vessels or craft taken into custody shall be sent into a port of the United States for appropriate disposition.

In carrying out this order, force shall not be used except in case of failure or refusal to comply with directions, or with regulations or directives of the Secretary of Defense issued hereunder, after reasonable efforts have been made to communicate them to the vessel or craft, or in case of self-defense. In any case, force shall be used only to the extent necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done in the City of Washington this twenty-third day of October in the year of our Lord nineteen [SEAL] hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN FITZGERALD KENNEDY

PROC. NO. 3507. TERMINATING AUTHORITY GRANTED AND ORDERS ISSUED IN PROC. NO. 3504

Proc. No. 3507, Nov. 21, 1962, 27 F.R. 11525, provided:

I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes of the United States, do hereby proclaim that at 11 p.m., Greenwich Time, November 20, 1962, I terminated the authority conferred upon the Secretary of Defense by Proclamation No. 3504, dated October 23, 1962 [set out as a note preceding section 1 of this Appendix], and revoked the orders contained therein to forces under my command.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of November, in the year of our Lord nineteen [SEAL] hundred and sixty-two and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

MIDDLE EAST STABILIZATION

Pub. L. 85-7, §§ 1—6, Mar. 9, 1957, 71 Stat. 5, set out as chapter 24A of Title 22, Foreign Relations and Intercourse, authorizes the President to provide economic and military assistance, and, if he determines it necessary, to use armed forces under certain circumstances to maintenance of national independence in the Middle East.

PROTECTION OF SECURITY OF FORMOSA

Joint Res. Jan. 29, 1955, ch. 4, 8:42 A. M., 69 Stat. 7, provided that:

"Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

"Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

"Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

"Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

"Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advise and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress."

TRADING WITH THE ENEMY ACT OF 1917

ACT OCT. 6, 1917, CH. 106, 40 STAT. 411

Sec.

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TERMINATION OF WORLD WAR AND EMERGENCY

This act was expressly excepted from the operation and effect of Joint Res. Mar. 3, 1921, ch. 136, 41 Stat. 1359, declaring that certain Acts of Congress, joint resolutions, and proclamations should be construed as though the World War had ended and the then present or existing emergency expired.

CROSS REFERENCES

Confirmation of certain acts, etc., made under provisions of section 1—6, 7—39 and 41—44 of this Appendix, see section 617 of this Appendix.

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in title 22 sections 1382, 1384; title 28 section 2680.

§ 1. Designation of Act.

This Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] shall be known as the "Trading with the Enemy Act." (Oct. 6, 1917, ch. 106, § 1, 40 Stat. 411.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2 to 6, 7 to 39, 41 to 44, 1982 of this Appendix.

§ 2. Definitions.

The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

The words "ally of enemy," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix].

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

The words "to trade," as used herein, shall be deemed to mean—

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

(d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

(e) To have any form of business or commercial communication or intercourse with. (Oct. 6, 1917, ch. 106, § 2, 40 Stat. 411.)

WORLD WAR I PROCLAMATIONS ENUMERATING ENEMIES

The following Presidential Proclamations issued during World War I declared the partnerships and persons enumerated therein to be "enemies":

Proc. Feb. 5, 1918, 40 Stat. 1745.
Proc. May 31, 1918, 40 Stat. 1786.
Proc. Aug. 10, 1918, 40 Stat. 1833.
Proc. Aug. 14, 1918, 40 Stat. 1837.
Proc. Nov. 29, 1918, 40 Stat. 1899.

CROSS REFERENCES

Alien enemies within United States, see section 21 of this title.

Beginning of war, see Const. Art. 1, § 8, cl. 11.

Commercial intercourse with the enemy, generally, see section 7 of this Appendix.

"Member of former ruling family" defined, see section 31 of this Appendix.

"Unallocated interest fund" defined, see section 28 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to sections 1, 3 to 6, 4 to 39, and 41 to 44 of this Appendix.

§ 3. Acts prohibited.

It shall be unlawful—

(a) For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

(b) For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; and it shall be unlawful for any person to send, take, or transmit, or attempt to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

(d) Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act [section 16 of this Appendix]. (Oct. 6, 1917, ch. 106, § 3, 40 Stat. 412.)

TRANSFER OF FUNCTIONS

Termination of Office of Alien Property Custodian and transfer of functions, etc., to Attorney General, see Ex. Ord. No. 9788, set out in note under section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Reestablishment and termination of Office of Alien Property Custodian during World II, see notes under section 6 of this Appendix.

PRESIDENTIAL POWERS TRANSFERRED

All powers conferred upon the President by subsec. (a) of this section were delegated to the Secretary of the Treasury by Memorandum of the President dated Feb. 12, 1942, 7 F. R. 1409.

Transfer of President's powers under subsec. (a) to Alien Property Custodian, see Ex. Ord. No. 9095 and Ex. Ord. No. 10348, set out as notes under section 6 of this Appendix.

CROSS REFERENCES

Carriage of matter out of mail on vessels, see section 1695 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1, 2, 4 to 6, 7 to 39 and 41 to 44 of this Appendix.

§ 4. Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States.

(a) Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may within thirty days after the passage of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine: *Provided, however,* That reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company: *Provided further,* That no insurance company, organized within the United States, shall be obligated to continue any existing contract, entered into prior to the beginning of the war, with any enemy or ally of enemy insurance or reinsurance company, but any such company may abrogate and cancel any such contract by serving thirty days' notice in writing upon the President of its election to abrogate such contract.

For a period of thirty days after the passage of this Act [said sections], and further pending the entry of such order by the President, after application made by any enemy or ally of enemy insurance or reinsurance company, within such thirty days as above provided, the provisions of the President's proclamation of April sixth, nineteen hundred and seventeen, relative to agencies in the United States of certain insurance companies, as modified by the provisions of the President's proclamation of July thirteenth, nineteen hundred and seventeen, relative to marine and war-risk insurance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act [said sections], and pending the order of the President as herein provided, apply to any enemy or ally of enemy insurance or reinsurance company, anything in this Act [said sections] to the contrary notwithstanding. It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment directly or indirectly of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

For a period of thirty days after the passage of this Act [said sections], and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of or for the benefit of such enemy or ally of enemy, anything in this Act [said sections] to the contrary notwithstanding: *Provided, however,* That the provisions of sections three and sixteen hereof [sections 3 and 16 of this Appendix] shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

If no license is applied for within thirty days after the passage of this Act [said sections], or if a license shall be refused to any enemy or ally of enemy, whether insurance or reinsurance company, or other person, making application, or if any license granted shall be revoked by the President, the provisions of sections three and sixteen hereof [sections 3 and 16 of this Appendix] shall forthwith apply to all trade or to any attempt to trade with, to, from, for, buy, on account of, or on behalf of, or for the benefit of such company or other person: *Provided, however,* That after such refusal or revocation, anything in this Act [said sections] to the contrary notwithstanding, it shall be lawful for a policyholder or for an insurance company, not an enemy or ally of enemy, holding insurance or having effected reinsurance in or with such enemy or ally of enemy insurance or reinsurance company, to receive payment of, and for such enemy or ally of enemy insurance or reinsurance company to pay any premium, return premium, claim, money, security, or other property due or which may become due on or in respect to such insurance or reinsurance in force at the date of such refusal or revocation of license; and nothing in this Act [said sections] shall vitiate or nullify then existing policies or contracts of insurance or reinsurance, or the conditions thereof; and any such policyholder or insurance company, not an enemy or ally of enemy,

having any claim to or upon money or other property of the enemy or ally of enemy insurance or re-insurance company in the custody or control of the alien property custodian, hereinafter provided for, or of the Treasurer of the United States, may make application for the payment thereof and may institute suit as provided in section nine hereof [section 9 of this Appendix].

(b) During the present war, no enemy, or ally of enemy, and no partnership of which he is a member or was a member at the beginning of the war, shall for any purpose assume or use any name other than that by which such enemy or partnership was ordinarily known at the beginning of the war, except under license from the President.

Whenever, during the present war, in the opinion of the President the public safety or public interest requires, the President may prohibit any or all foreign insurance companies from doing business in the United States, or the President may license such company or companies to do business upon such terms as he may deem proper. (Oct. 6, 1917, ch. 106, § 4, 40 Stat. 413.)

REFERENCES IN TEXT

Proclamation of April 6, 1917, 40 Stat. 1654, and Proclamation of July 13, 1917, 40 Stat. 1684, referred to in the text, are set out as notes under this section.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

PROCLAMATION OF APRIL 6, 1917

40 STAT. 1654

Whereas, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the business of insurance in various States of the United States, by means of separate United States branches established pursuant to the laws of such States, and are now engaged in business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands of resident trustees, citizens of the United States, for the protection of all policyholders in the United States;

And whereas, the interests of the citizens of the United States in the protection afforded by such insurance are of great magnitude, so that it is deemed to be important that the agencies of such companies in the United States be permitted to continue in business;

Now, therefore, I, Woodrow Wilson, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German insurance companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby authorized and permitted to continue the transaction of their business in accordance with the laws of such States in the same manner and to the same extent as though a state of war did not now exist; provided, however, that all funds of such establishments now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States nor be used as the basis for the establishment directly or indirectly of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

PROCLAMATION OF JULY 13, 1917

40 STAT. 1684

Whereas, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the business of marine and war risk insurance in various States of the United States, by means of separate United States branches established pursuant to the laws of such States, and are now engaged in such business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands of resident trustees, citizens of the United States, for the protection of all policyholders in the United States;

And whereas, the nature of marine and war risk insurance is such that those conducting it must of necessity be in touch with the movements of ships and cargoes, and it has been considered by the Government of great importance that this information should not be obtained by alien enemies;

Now, therefore, I, Woodrow Wilson, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German insurance companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby prohibited from continuing the transaction of the business of marine and war risk insurance either as direct insurers or re-insurers; and all individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States, or of any foreign country, and established pursuant to the laws of such States and now engaged in the United States in the business of marine and war risk insurance either as direct insurers or re-insurers are hereby prohibited from re-insuring with companies incorporated under the laws of the German Empire, no matter where located; and all persons in the United States are prohibited from insuring against marine or war risks with insurance companies incorporated under the laws of the German Empire or with individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States or of any foreign country and now engaged in the business of marine or war risk insurance in the United States, which re-insure business originating in the United States with companies incorporated under the laws of the German Empire, no matter where located.

The foregoing prohibitions shall extend and operate as to all existing contracts for insurance and re-insurance which are hereby suspended for the period of the war, except that they shall not operate to vitiate or prevent the insurance or re-insurance of, and the payment or receipt of, premiums on insurance or re-insurance under existing contracts on vessels or interest at risk on the date of this proclamation, and such insurance or re-insurance, if for a voyage, shall continue in force until arrival at destination, and if for time, until thirty days from the date of this proclamation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 3, 5, 6, 7 to 39, and 41 to 44 of this Appendix.

§ 5. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties.

(a) The President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof [section 4(a) of this Appendix], and to

perform any act made unlawful without such license in section three hereof [section 3 of this Appendix], and to file and prosecute applications under subsection (b) of section ten hereof [section 10 (b) of this Appendix]; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; and the President may exercise any power or authority conferred by this Act [said sections] through such officer or officers as he shall direct.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof [section 3 of this Appendix] he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

(b) (1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (Oct. 6, 1917, ch. 106, § 5, 40 Stat. 415; Sept. 24, 1918, ch. 176, § 5, 40 Stat. 966; Mar. 9, 1933, ch. 1, § 2, 48 Stat. 1; May 7, 1940, ch. 185, § 1, 54 Stat. 179; Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Words "including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States on all cases, civil or criminal, arising upon the high seas" immediately preceding the proviso in subsection (b) (3) of this section, have been omitted on the authority of 1946 Proc. No. 2695, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

Subsec. (b) is also set out as section 95a of Title 12, Banks and Banking.

AMENDMENTS

1941—Subsec. (b). Act Dec. 18, 1941, considerably broadened the powers of the President to take, administer, control, use and liquidate foreign-owned property and added a flexibility of control which enabled the President and the agencies designated by him to cope

with the problems surrounding alien property, its ownership or control, on the basis of the particular facts in each case.

1940—Subsec. (b). Act May 7, 1940, included dealings in evidences of indebtedness or ownership of property in which foreign states, nationals or political subdivisions thereof have an interest.

1933—Subsec. (b). Act Mar. 9, 1933, among other things, extended the President's power to any time of war national emergency, permitted regulations to be issued by any agency designated by the President, provided for the furnishing under oath of complete information relative to transactions under the subsection and placed sanctions on violations to the extent of a $10,000 fine or ten years imprisonment.

1918—Subsec. (b). Act Sept. 24, 1918, added provisions relating to the hoarding or melting of gold or silver coin or bullion or currency and to the regulation of transactions in bonds or certificates of indebtedness.

DELEGATION OF POWERS

All powers conferred upon the President by subsec. (b) of this section were delegated to the Secretary of the Treasury by Memorandum of the President dated Feb. 12, 1942, 7 F. R. 1409.

Delegation of President's powers under subsec. (b) of this section to the Secretary of the Treasury and the Alien Property Custodian; and transfer of Alien Property Custodian's powers to the Attorney General, see Ex. Ord. Nos. 9095 and 9788, set out in notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Reestablishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

APPROVAL OF REGULATIONS

Act Mar. 9, 1933, ch. 1, title I, § 1, 48 Stat. 1, provided that: "The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the act of October 6, 1917, as amended [section 5 (b) of this Appendix], are hereby approved and confirmed."

CROSS REFERENCES

Jurisdiction of courts of Philippine Islands continued, see section 1382 of Title 22, Foreign Relations and Intercourse.

Right to amend, separability of provisions, and ratification of acts done under act Mar. 9, 1933, see sections 212 and 213 of Title 12, Banks and Banking.

EXECUTIVE ORDERS

Ex. Ord. No. 6260, as amended, respecting hoarding, export, and earmarking of gold coin, bullion, or currency and transactions in foreign exchange; Ex. Ord. No. 6560, as amended, respecting transactions in foreign exchange, transfers of credit, and export of coin and currency; Ex. Ord. No. 8389, as amended, regulating transactions in foreign exchange and foreign-owned property and providing for the reporting of all foreign-owned property; Ex. Ord. No. 9747, respecting continuance of functions of Alien Property Custodian and Treasury Department in Philippines; Ex. Ord. No. 9760, respecting diplomatic property of Germany and Japan; and Ex. Ord. No. 10348, continuing in force orders and regulations relating to blocked property, are set out as notes under section 95a of Title 12, Banks and Banking, and Section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 4, 6, 7 to 39, 41 to 44 of this Appendix; title 12 sections 51b—1, 212, 213.

§ 6. Alien Property Custodian; general powers and duties.

The President is authorized to appoint and prescribe the duties of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act [said sections]. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act [said sections]; *Provided,* That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law: *Provided further,* That the President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act [said sections] during the year preceding. Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof. (Oct. 6, 1917, ch. 106, § 6, 40 Stat. 415.)

REFERENCES IN TEXT

The civil-service laws, referred to in the text, are classified generally to Title 5, Government Organization and Employees.

CODIFICATION

Provisions which limited the salary of the alien property custodian to not more than $5,000 per annum were omitted as superseded.

The authority for covering excepted positions into the classified civil service was given the President by section 2102 of Title 5, Government Organization and Employees.

For positions now covered by the Classification Act of 1949, and for the power of the Civil Service Commission to determine the applicability of those sections to specific positions, see sections 5102, 5103, and 5341 of Title 5.

FUNCTIONS TRANSFERRED TO PRESIDENT AND ATTORNEY GENERAL

1947 Reorg. Plan No. 1, § 101, eff. July 1, 1947, 12 F. R. 4534, 61 Stat. 951, transferred all functions vested by law in the Alien Property Custodian or the Office of the Alien Property Custodian to the Attorney General, except that those relating to property or interests in the Philippines were transferred to the President. For text of this plan and provisions relating to transfer of records, property, personnel, and funds, see the text of the plan, set out in the Appendix to Title 5, Government Organization and Employees.

PREVIOUS OFFICE ABOLISHED

The previous office of Alien Property Custodian was abolished and its functions and personnel transferred to the Department of Justice by Ex. Ord. No. 6694, July 1, 1934.

EXPENSES AND COMPENSATION OF ALIEN PROPERTY CUSTODIAN

Act May 16, 1928, ch. 580, § 1, 45 Stat. 574, contained the following provision: "All expenses of the office of the Alien Property Custodian authorized by * * * [the Trading With the Enemy Act,] including compensation of the Alien Property Custodian at not to exceed $10,000 per annum; shall be paid from interest and collections on trust funds and other properties under the control of such Custodian."

REPORT TO CONGRESS; INCLUSION OF CLAIMS FILED UNDER SECTION 32 (a) (2) (D) OF THIS APPENDIX

Section 2 of act Sept. 29, 1950, ch. 1108, 64 Stat. 1080, provided that: "There shall be included in the report made to Congress pursuant to section 6 of the Trading With the Enemy Act, as amended [this section], a statement of (1) the names and nationalities of persons who have filed notice of claim for the return of any property or interest under section 1 of this Act [section 32 (a) (2) (D) of this Appendix], the date of the filing of such notice of claim, and the estimated value of the property or interest, and (2) the names and nationalities of persons to whom returns have been made of any property or interest under section 1 of this Act [section 32 (a) (2) (D) of this Appendix] and the value of such property or interest."

EX. ORD. NO. 9095. WORLD WAR II ALIEN PROPERTY CUSTODIAN

Ex. Ord. No. 9095, Mar. 11, 1942, 7 F. R. 1971, as amended Ex. Ord. No. 9193, July 6, 1942, 7 F. R. 5205; Ex. Ord. No. 9567, June 8, 1945, 10 F. R. 6917, provided:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Executive Order.

2. The Alien Property Custodian is authorized and empowered to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect to:

(a) any business enterprise within the United States which is a national of a designated enemy country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by an enemy country or national thereof;

(b) any other business enterprise within the United States which is a national of a foreign country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by a foreign country or national thereof, when it is determined by the Custodian and he has certified to the Secretary of the Treasury that it is necessary in the national interest, with respect to such business enterprise, either (i) to provide for the protection of the property, (ii) to change personnel or supervise the employment policies, (iii) to liquidate, reorganize, or sell, (iv) to direct the management in respect to operations, or (v) to vest;

(c) any other property or interest within the United States of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country or national thereof: *Provided, however,* That with respect to any such country or national other than Germany or Japan or any national thereof, such property or interest shall not include cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities except to the extent that the Alien Property Custodian determines that such cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities are necessary for the maintenance or safeguarding of other property belonging to the same designated enemy country or the same national thereof and subject to vesting pursuant to section 2 hereof;

(d) any patent, patent application, design patent, design patent application, copyright, copyright application, trade-mark or trade-mark application or right related thereto in which any foreign country or national thereof has any interest and any property of any nature whatsoever (including, without limitation, royalties and license fees) payable or held with respect thereto, and any interest of any nature whatsoever held therein by any foreign country or national thereof;

(e) any ship or vessel or interest therein, in which any foreign country or national thereof has an interest; and

(f) any property of any nature whatsoever which is in the process of administration by any person acting under judicial supervision or which is in partition, libel, condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a designated enemy country or national thereof. When the Alien Property Custodian determines to exercise any power and authority conferred upon him by this section with respect to any of the foregoing property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Alien Property Custodian.

3. Subject to the provisions of this Executive Order, all powers and authority conferred upon me by sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended [sections 3 (a) and 5 (a) of this Appendix], are hereby delegated to the Secretary of the Treasury or any person, agency, or instrumentality designated by him: *Provided, however,* That when any property or interest, not belonging to a foreign government or central bank, shall be vested by the Secretary of the Treasury, such property or interest shall be vested in, and dealt with by, the Alien Property Custodian upon the terms directed by the Secretary of the Treasury. Except as otherwise provided herein, this Executive Order shall not be deemed to modify or amend Executive Order No. 8389, as amended, or the President's Proclamation of July 17, 1941, or Executive Order No. 8839, as amended, or the regulations, rulings, licenses and other action taken thereunder, or in connection therewith.

4. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Alien Property Custodian under any other provision of this Executive Order, the Secretary of the Treasury and the Alien Property Custodian are authorized and empowered, either jointly or severally, to prescribe from time to time, regulations, rulings, and instructions to carry out the purposes of this Executive Order. The Secretary of the Treasury and the Alien Property Custodian each shall make available to the other all information in his files to enable the other to discharge his functions, and shall keep each other currently informed as to investigations being conducted with respect to enemy ownership or control of business enterprises within the United States.

5. The Alien Property Custodian is authorized to issue appropriate regulations governing the service of process or notice upon any person within any designated enemy country or any enemy-occupied territory in connection with any court or administrative action or proceeding within the United States. The Alien Property Custodian also is authorized to take such other and further measures in connection with representing any such person in any such action or proceeding as in his judgment and discretion is or may be in the interest of the United States. If, as a result of any such action or proceeding, any such person obtains, or is determined to have, an interest in any property (including money judgments), such property, less an amount equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding, shall be subject to the provisions of Executive Order No. 8389, as amended: *Provided, however,* That this shall not be deemed to limit the powers of the Alien Property Custodian under section 2 of this Order; *And provided further,* That the Alien Property Custodian may vest an amount of such property equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding.

6. To enable the Alien Property Custodian to carry out his functions under this Executive Order, there are hereby delegated to the Alien Property Custodian or any person,

agency, or instrumentality designated by him all powers and authority conferred upon me by section 5 (b) of the Trading With the Enemy Act, as amended [section 5 (b) of this Appendix], including, but not limited to, the power to make such investigations and require such reports as he deems necessary or appropriate to determine whether any enterprise or property should be subject to his jurisdiction and control under this Executive Order. The powers and authority conferred upon the Alien Property Custodian by Executive Order No. 9142 shall be administered by him in conformity with the provisions of this Executive Order.

7. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839 of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

8. All records and other property (including office equipment) of the Treasury Department which are used primarily in the administration of powers and duties to be exercised by the Alien Property Custodian, and such personnel as is used primarily in the administration of such powers and duties and which was hired by the Treasury Department after September 1, 1941 (including officers whose chief duties relate to the administration of such powers and duties), as the Secretary of the Treasury and the Alien Property Custodian shall jointly certify for transfer, shall be transferred to the Office of the Alien Property Custodian. In the event of disagreement concerning the transfer of any personnel, records, or property, the determination shall be made by the Director of the Bureau of the Budget, pursuant to the formula here prescribed. Any personnel transferred pursuant to this Executive Order shall be transferred without loss of such Civil Service status or eligibility therefor as they may have.

9. This Executive Order shall not be deemed to modify or amend Executive Order No. 8843 of August 9, 1941, and the regulations, rulings, licenses and other action taken thereunder. Any and all action heretofore taken by the Secretary of the Treasury or the Alien Property Custodian, or by any person, agency, or instrumentality designated by either of them, pursuant to sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended [sections 3 (a) and 5 (b) of this Appendix], or pursuant to prior Executive Orders, and any and all action heretofore taken by the Board of Governors of the Federal Reserve System pursuant to Executive Order No. 8843 of August 9, 1941, are hereby confirmed and ratified.

10. For the purpose of this Executive Order:

(a) The term "designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania) and any other country with which the United States is at war in the future. The term "national" shall have the meaning prescribed in section 5 of Executive Order No. 8389, as amended: *Provided, however,* That persons not within designated enemy countries (even though they may be within enemy-occupied countries or areas) shall not be deemed to be nationals of a designated enemy country unless the Alien Property Custodian determines: (i) that such person is controlled by or acting for or on behalf of (including cloaks for) a designated enemy country or a person within such country; or (ii) that such person is a citizen or subject of a designated enemy country and within an enemy-occupied country or area; or (iii) that the national interest of the United States requires that such person be treated as a national of a designated enemy country. For the purpose of this Executive Order any determination by the Alien Property Custodian that any property or interest of any foreign country or national thereof is the property or interest of a designated enemy country or national thereof shall be final and conclusive as to the power of the Alien Property Custodian to exercise any of the power or authority conferred upon me by section 5 (b) of the Trading With the Enemy Act, as amended [section 5 (b) of this Appendix].

(b) The term "business enterprise within the United States" shall mean any individual proprietorship, partnership, corporation or other organization primarily engaged in the conduct of a business within the United States, and any other individual proprietorship, partnership, corporation or other organization to the extent that it has an established office within the United States engaged in the conduct of business within the United States.

11. The Secretary of the Treasury or the Alien Property Custodian, as the case may be, shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order, and the Secretary of the Treasury shall consult with the Secretary of State before issuing any Order adding any additional foreign countries to section 3 of Executive Order No. 8389, as amended.

12. Any orders, regulations, rulings, instructions, licenses or other actions issued or taken by any person, agency or instrumentality referred to in this Executive Order, shall be final and conclusive as to the power of such person, agency or instrumentality to exercise any of the power or authority conferred upon me by sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended [sections 3 (a) and 5 (b) of this Appendix]; and to the extent necessary and appropriate to enable them to perform their duties and functions hereunder, the Secretary of the Treasury and the Alien Property Custodian shall be deemed to be authorized to exercise severally any and all authority, rights, privileges and powers conferred on the President by sections 3 (a) and 5 (b) of the Trading With the Enemy Act of October 6, 1917, as amended, [sections 3 (a) and 5 (b) of this Appendix] and by sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941 (sections 616 and 617 of this Appendix). No person affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Secretary of the Treasury or the Alien Property Custodian shall be entitled to challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive Order, such order, regulation, ruling, instruction, license or other action was within the jurisdiction of the Alien Property Custodian rather than the Secretary of the Treasury or vice versa.

13. Any regulations, rulings, instructions, licenses, determinations or other actions issued, made or taken by any agency or person referred to in this Executive Order, purporting to be under the provisions of this Executive Order or any other proclamation, order or regulation, issued under sections 3 (a) or 5 (b) of the Trading With the Enemy Act, as amended [sections 3 (a) and 5 (b) of this Appendix], shall be conclusively presumed to have been issued, made or taken after appropriate consultation as herein required and after appropriate certification in any case in which a certification is required pursuant to the provisions of this Executive Order.

Ex. Ord. No. 9142. Transfer of Certain Functions, Property and Personnel from Department of Justice to Alien Property Custodian

Ex. Ord. No. 9142, Apr. 21, 1942, 7 F. R. 2985, provided:

1. All authority, rights, privileges, powers, duties, and functions transferred or delegated to the Department of Justice, to be administered under the supervision of the Attorney General, by Executive Order No. 6694 of May 1, 1934, or vested in, transferred or delegated to, the Attorney General or the Assistant Attorney General in charge of the Claims Division of the Department of Justice, by Executive Order No. 8136 of May 15, 1939, are hereby transferred to the Alien Property Custodian provided for by Executive Order No. 9095, dated March 11, 1942.

2. Subject to the provisions of paragraph 5 hereof, all property of the Alien Property Division of the Department of Justice, including records, files, supplies, furniture, and equipment, and all funds, securities, choses in action, real estate, patents, trade-marks, copyrights, and all other property of whatsoever kind, held or administered by the Attorney General under and pursuant to the Trading With the Enemy Act, as amended, are hereby transferred to the Alien Property Custodian, to be administered and disposed of under his supervision and direction.

3. All administrative or general or other expenses of the Office of the Alien Property Custodian in the administration of the Trading With the Enemy Act, as amended, including the administration of Executive Order No. 9095, may be paid out of any funds or other property transferred to the Alien Property Custodian hereunder, whether

or not such expenses relate to the property transferred hereunder, or were incurred before or after March 11, 1942.

4. The personnel of the Alien Property Division of the Department of Justice is hereby transferred to the Office of the Alien Property Custodian without loss of such civil service status or eligibility therefor as they may have.

5. All litigation in which the Alien Property Custodian or the Office of the Alien Property Custodian is interested shall be conducted under the supervision of the Attorney General. The Department of Justice and the Attorney General shall from time to time render such advice on legal matters to the Alien Property Custodian and the Office of the Alien Property Custodian as the Attorney General and the Alien Property Custodian may from time to time agree upon. For the purpose of defraying such expenses as may be incurred by the Department of Justice or the Attorney General in the rendering of advice as aforesaid or in the conduct of litigation in which the Alien Property Custodian or the Office of Alien Property Custodian is interested, including expenses for salaries of personnel and all other charges, the Alien Property Custodian may from time to time make available out of the funds or other property in his possession or control such funds as the Attorney General and the Alien Property Custodian may from time to time agree to be necessary therefor. Nothing in this order shall be construed to require the Department of Justice to surrender possession of any files and records relating to any litigation heretofore or hereafter conducted by it.

6. This order shall not be construed as modifying or limiting in any way the authority heretofore granted to the Federal Bureau of Investigation.

7. This order shall remain in force during the continuance of the present war and for six months after the termination thereof.

8. All prior Executive orders insofar as they are in conflict herewith are hereby superseded.

Ex. Ord. No. 9325. Payment of Expenses of the Office of Alien Property Custodian

Ex. Ord. No. 9325, Apr. 7, 1943, 8 F. R. 1682, provided:

1. Until it is otherwise provided, the Alien Property Custodian is authorized and empowered to pay out of any funds lawfully in his custody or under his control all necessary expenses incurred by the Office of Alien Property Custodian in carrying out the powers and duties vested in him pursuant to Title III of the First War Powers Act, 1941 [sections 616—618 of this Appendix], and the applicable orders issued thereunder. Such expenses shall be allocated and recovered as provided in section 2 hereof.

2. The Alien Property Custodian is authorized to retain, allocate and recover, as a charge against any specific property or any other property of which the former owner of the specific property was divested, expenses attributable to such specific property with respect to which he has exercised or may hereafter exercise any power heretofore or hereafter conferred upon him. In addition to such expenses, the Alien Property Custodian is authorized to retain, allocate and recover at such time or times as he may deem practicable, as a charge against money or property in his custody or under his control, such amounts as may be necessary in connection with the general administrative expenses of the Office of Alien Property Custodian which have been or may be paid and which are not practicably allocable to a specific property.

3. The power and authority herein granted shall not be limited by the filing of a claim or the institution of a suit relating to any property subject to the authority of the Alien Property Custodian.

4. This order shall not be construed as a limitation upon or in derogation of any powers heretofore granted.

5. The Office of Alien Property Custodian shall submit to the Bureau of the Budget (a) prior to April 30, 1943, an estimate of general administrative expenses for the remainder of the current fiscal year, (b) prior to the end of the current and of each subsequent fiscal year, at such time as may be specified by the Director of the Bureau of the Budget, an estimate of such expenses for the succeeding fiscal year, and (c) any supplemental estimates of such expenses if and as the need arises. After April 30, 1943, no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Office of Alien Property Custodian beyond the amounts approved by the Director of the Bureau of the Budget upon submissions as above set forth.

Ex. Ord. No. 9747, Functions of Alein Property Custodian and Treasury Department Continued in Philippines

Ex. Ord. No. 9747, July 8, 1946, 11 F. R. 7518, provided that the powers of the Alien Property Custodian under Ex. Ord. No. 9095, set out in note to this section, should continue to be exercised in the Philippines after July 4, 1946. It also provided that the Secretary of the Treasury should continue to exercise his powers in the Philippines under Ex. Ord. No. 8389, Apr. 10, 1940, set out as a note under section 95a of Title 12, Banks and Banking.

Ex. Ord. No. 9760. Authority of Secretary of State Regarding Diplomatic Property of Germany and Japan

1. The Secretary of State is authorized and empowered as he deems necessary in the national interest to direct, manage, supervise, or control diplomatic and consular property within the United States owned or controlled by Germany or Japan, including all assets on the premises of such property.

2. The Alien Property Custodian shall not exercise any power and authority conferred upon him by any other Executive order with respect to diplomatic and consular property within the United States owned or controlled by Germany or Japan except so far as the Secretary of State releases his authority over such diplomatic and consular property under this order and so notifies the Alien Property Custodian in writing.

3. When the Secretary of State determines to exercise any power and authority conferred upon him by this order with respect to any property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Secretary of State.

4. This order supersedes all conflicting provisions of prior Executive orders, including Executive Orders Nos. 8389, as amended [note following section 95a of Title 12], and 9095, as amended [note following this section].

5. The Secretary of State is authorized to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this order.

Ex. Ord. No. 9788. Termination of Office of World War II Alien Property Custodian and Transference of Its Functions to the Attorney General

Ex. Ord. No. 9788, Oct. 14, 1946, 11 F. R. 11981, provided:

1. The Office of Alien Property Custodian in the Office for Emergency Management of the Executive Office of the President, established by Executive Order No. 9095 of March 11, 1942 [set out as a note under this section], is hereby terminated; and all authority, rights, privileges, powers, duties, and functions vested in such Office or in the Alien Property Custodian or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Alien Property Custodian or seized by him, and all proceeds thereof, which are held or administered by him on the effective date of this order are hereby transferred to the Attorney General.

3. All personnel, property, records, and funds of the Office of Alien Property Custodian are hereby transferred to the Department of Justice.

4. This order supersedes all prior Executive orders to the extent that they are in conflict with this order.

5. This order shall become effective on October 15, 1946.

Philippine Alien Property Administration

Ex. Ord. No. 9818, Jan. 8, 1947, 12 F. R. 133, set out as a note under section 1382 of Title 22, Foreign Relations and Intercourse, established the Philippine Alien Property Administration.

Executive Order No. 9989

Ex. Ord. No. 9989, Aug. 20, 1948, 13 F.R. 4891, which was formerly set out as a note under this section and

which transferred jurisdiction over blocked assets to the Attorney General, was superseded by Ex. Ord. No. 11281, May 13, 1966, 31 F.R. 7215, set out below.

EXECUTIVE No. 10348

Ex. Ord. No. 10348, Apr. 28, 1952, 17 F.R. 3769, which was formerly set out as a note under this section and which continued in force Ex. Ord. No. 9989, was superseded by Ex' Ord. No. 11281, May 13, 1966, 31 F.R. 7215, set out below.

EX. ORD. NO. 11281. TRANSFERRING JURISDICTION OVER BLOCKED ASSETS FROM ATTORNEY GENERAL TO SECRETARY OF TREASURY

Ex. Ord. No. 11281, May 13, 1966, 31 F.R. 7215, provided:

WHEREAS before October 1, 1948, the Secretary of the Treasury administered the blocking controls and other restrictions over property and interests of certain foreign countries or their nationals that had been imposed, under the authority of section 5(b) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 5(b)), by means of and under Executive Order No. 8389 of April 10, 1940, as amended [set out as a note preceding section 95a of Title 12]; and

WHEREAS by Executive Order No. 9989 of August 20, 1948, jurisdiction over the property and interests which remained blocked or restricted under Executive Order No. 8389 on September 30, 1948, was transferred, effective October 1, 1948, to the Attorney General to aid him in carrying out his functions as successor to the Alien Property Custodian, including, among others, the function of vesting property pursuant to the provisions of the Trading with the Enemy Act, as amended [section 1 et seq. of this Appendix]; and

WHEREAS by Executive Order No. 10644 of November 7, 1955 [set out as a note under section 1631a of Title 22], the Attorney General was designated to carry out the functions of the President under Title II of the International Claims Settlement Act of 1949 (as added by the Act of August 9, 1955, Public Law 285, 84th Congress, 69 Stat. 562) [sections 1631–1631n of Title 22], including certain vesting and blocking functions required by section 202 of that Act 22(U.S.C. 1631a), and the Attorney General, as designee of the President, exercises controls under Executive Order No. 8389 with respect to the net proceeds of certain property that are carried, pursuant to section 202, in blocked accounts with the Treasury; and

WHEREAS the functions of vesting property under the Trading with the Enemy Act and under section 202 of the International Claims Settlement Act of 1949 have been terminated; and

WHEREAS the blocking controls not exercised by the Attorney General under Executive Order No. 8389 are limited in application to property of Hungary or its nationals acquired on or before January 1, 1945; property of Czechoslovakia, Estonia, Latvia, Lithuania or nationals of those countries acquired on or before December 7, 1945; property of East Germany or its nationals acquired on or before December 31, 1946, and certain securities scheduled in General Rulings No. 5 and No. 5B, as amended (8 CFR 511.205 and 511.205b); and

WHEREAS the Office of Alien Property, through which the Attorney General carries out or has carried out the various responsibilities described above, will be abolished on or before June 30, 1966, and the Attorney General thereafter will not be in a position to administer blocking controls under Executive Order No. 8389 efficiently; and

WHEREAS in the interest of efficiency it is desirable to return to the Secretary of the Treasury jurisdiction over the property and interests remaining subject to such blocking controls:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading with the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949 and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The authority granted to the Attorney General by Executive Order No. 9989 with respect to property and interests blocked or otherwise subject to restriction under Executive Order No. 8389 is hereby terminated and Executive Order No. 9989 is hereby superseded.

SEC. 2. The Secretary of the Treasury shall hereafter be responsible for the administration of the controls exercisable under Executive Order No. 8389, and he is authorized and directed to take such action as he may deem necessary with respect to any property or interest that remains blocked or restricted under Executive Order No. 8389 on the effective date of this order. In the performance of the functions and duties hereby reassigned to him, the Secretary of the Treasury may act personally or through any officer, person, agency or instrumentality designated by him.

SEC. 3. All orders, regulations, rulings, instructions or licenses issued prior to the effective date of this order by the Attorney General or the Secretary of the Treasury with respect to any of the property or interests referred to in Section 2 shall continue in full force and effect except as hereafter amended, modified or revoked by the Secretary of the Treasury.

SEC. 4. No person affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Attorney General or the Secretary of the Treasury in the administration of Executive Order No. 8389 may challenge the validity thereof or otherwise excuse any action, or failure to act, on the ground that it was within the jurisdiction of the Secretary of the Treasury rather than the Attorney General or *vice versa*.

SEC. 5. Section 1 of Executive Order No. 10644 of November 7, 1955, is hereby amended to read as follows:

"SECTION 1. (a) With the exception of the functions referred to in subsection (b) of this section, the Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by Title II of the International Claims Settlement Act of 1949 upon the President, and the functions conferred by that title upon any designee of the President.

"(b) The Secretary of the Treasury, and any officer, person, agency or instrumentality designated by the Secretary of the Treasury for this purpose, as hereby designated and empowered to perform the functions conferred upon the President by section 202 of Title II with respect to the release of blocked property and of the net proceeds of property that are carried in blocked accounts with the Treasury."

SEC. 6. Executive Order No. 8389, this order and all delegations, designations, regulations, rulings, instructions and licenses issued or to be issued under Executive Order No. 8389 or this order are hereby continued in force according to their terms for the duration of the period of the national emergency proclaimed by Proclamation No 2914 of December 16, 1950 [set out as a note preceding section 1 of this Appendix]. Executive Order No. 10348 of April 26, 1952 is hereby superseded.

SEC. 7. Nothing in this order shall be deemed to revoke or limit any powers heretofore conferred on the Secretary of the Treasury by or under any statute or Executive order, or to revoke or limit any powers heretofore conferred upon the Attorney General by or under any statute or Executive order other than Executive Order No. 9989 or No. 10644.

SEC. 8. This order shall become effective at midnight, May 15, 1966.

LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 5, 7 to 39, and 41 to 44 of this Appendix.

§ 6a. Incurment of expenses by Office of Alien Property Custodian.

After June 30, 1945, the Office of Alien Property Custodian shall not incur any obligations for the expenses of said Office except pursuant to a further annual authorization by the Congress specifically therefor. (Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 855.)

CODIFICATION

Section was not enacted as a part of the Trading With the Enemy Act of 1917, which comprises sections 1—6, 7—39, 41—44 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

REPORT TO CONGRESS ON EXPENSES

Act Dec. 22, 1944, ch. 660, title I, § 101, provided in part: "On or before April 1, 1945, the Alien Property Custodian shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred in connection with the activities of the Office of Alien Property Custodian."

§ 6b. Payment of expenses by the Attorney General.

The Attorney General, or such officer as he may designate, is authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended [sections 1 to 6, 7 to 39, 41 to 44 of this Appendix] and the International Claims Settlement Act as amended [sections 1621 to 1627, 1631 to 1631n, and 1641 to 1641q of Title 22], necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Acts. (Pub. L. 90–470, title II, § 201, Aug. 9, 1968, 82 Stat. 673.)

CODIFICATION

Section was not enacted as a part of the Trading With the Enemy Act of 1917, which comprises sections 1—6, 7—39 and 41—44 of this Appendix.

SIMILAR PROVISIONS

Similar provisions were carried in prior appropriation acts:

1967—Nov. 9, 1967, Pub. L. 90–133, title II, § 201, 81 Stat. 416.
1966—Nov. 8, 1966, Pub. L. 89–797, title II, § 201, 80 Stat. 1484.
1965—Sept. 2, 1965, Pub. L. 89–164, title II, § 201, 79 Stat. 625.
1964—Aug. 31, 1964, Pub. L. 88–527, title II, § 201, 78 Stat. 716.
1963—Dec. 30, 1963, Pub. L. 88–245, title II, § 201, 77 Stat. 781.
1962—Oct. 18, 1962, Pub. L. 87–843, title II, § 201, 76 Stat. 1085.
1961—Sept. 21, 1961, Pub. L. 87–264, title II, § 201, 75 Stat. 550.
1960—Aug. 31, 1960, Pub. L. 86–678, title II, § 201, 74 Stat. 564.
1959—July 13, 1959, Pub. L. 86–84, title II, § 201, 73 Stat. 189.
1958—June 30, 1958, Pub. L. 85–474, title II § 201, 72 Stat. 252.
1957—June 11, 1957, Pub. L. 85–49, title II, § 201, 71 Stat. 63.
1956—June 20, 1956, ch. 414, title II, § 201, 70 Stat. 308.
1955—July 7, 1955, ch. 279, title II, § 201, 69 Stat. 273.
1954—July 2, 1954, ch. 456, title II, § 201, 68 Stat. 421.
1953—Aug. 5, 1953, ch. 328, title II, § 201, 67 Stat. 375.
1952—July 10, 1952, ch. 651, title II, § 201, 66 Stat. 559.
1951—Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 585.
1950—Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 619.
1949—July 20, 1949, ch. 354, title II, § 201, 63 Stat. 461.

§ 7. Lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States; acts constituting trade with enemy prior to passage of Act; conveyance of property to custodian; voluntary payment to custodian by holder; acts under order, rule, or regulation.

(a) Every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

The President may also require a similar list to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, association, company, or trustee has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another: *Provided, however,* That the name of any such officer, director, or stockholder, shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy.

Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act [said sections], or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts so owed to, any person now

defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen: *Provided,* That the name of any person shall be stricken from the said report by the alien property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days.

(b) Nothing in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf or for the benefit of an enemy performed or engaged in since the beginning of the war and prior to the passage of this Act [said sections] or any such act or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law. No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof [section 3 of this Appendix], made after the passage of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act [said sections], the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof [section 3 of this Appendix]: *Provided,* That nothing in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out completion, or performance otherwise than by release from obligation thereunder.

Nothing in this Act [said sections] shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States, not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof: *Provided,* That such payment shall not be made without the license of the President, general or special, as provided in this Act [said sections].

Nothing in this Act [said sections] shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof [section 10 of this Appendix]: *Provided, however,* That an enemy or ally of enemy licensed to do business under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect: *And provided further,* That an enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him.

Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. In any prosecution under section sixteen hereof [section 16 of this Appendix] proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof [section 3 of this Appendix].

(c) If the President shall so require any money or other property including (but not thereby limiting the generality of the above) patents, copyrights, applications therefor, and rights to apply for the same, trade marks, choses in action, and rights and claims of every character and description owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or the same may be seized by the Alien Property Custodian; and all property thus acquired shall be held, administered and disposed of as elsewhere provided in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix].

Any requirement made pursuant to this Act [said sections], or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering, or recording of conveyances, transfers, or assignments of any such property or rights as may be covered by such requirement (including the proper office for filing, registering, or

recording conveyances, transfers, or assignments of patents, copyrights, trade-marks, or any rights therein or any other rights); and if so filed, registered, or recorded shall impart the same notice and have the same force and effect as a duly executed conveyance, transfer, or assignment to the Alien Property Custodian so filed, registered, or recorded.

Whenever any such property shall consist of shares of stock or other beneficial interest in any corporation, association, or company or trust, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel upon its, his, or their books all shares of stock or other beneficial interest standing upon its, his, or their books in the name of any person or persons, or held for, on account of, or on behalf of, or for the benefit of any person or persons who shall have been determined by the President, after investigation, to be an enemy or ally of enemy, and which shall have been required to be conveyed, transferred, assigned, or delivered to the Alien Property Custodian or seized by him, and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the Alien Property Custodian or otherwise, as the Alien Property Custodian shall require.

The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act [said sections], and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

(d) If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) of this section, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe.

(e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix].

Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States. (Oct. 6, 1917, ch. 106, § 7, 40 Stat. 416; Nov. 4, 1918, ch. 201, § 1, 40 Stat. 1020.)

AMENDMENTS

1918—Subsec. (c). Act Nov. 4, 1918, added provisions on the recording of property transfers, the cancellation of enemy owned stock by corporations, and the restriction of claims to relief provided by the terms of sections 1—6, 7—39 and 41—44 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

CROSS REFERENCES

Actions by and against Custodian, see sections 9, 10, 12 and 17 of this Appendix.

Claims to property transferred to Custodian, see section 9 of this Appendix.

Corporations, voting of stock and dividends after seizure, see section 12 of this Appendix.

Enforcement of seizures, see section 17 of this Appendix.

Nature of Custodian's right or title after seizure, see section 12 of this Appendix.

Recovery of property erroneously seized, see section 9 of this Appendix.

Waiver of demand and compromise settlement, see section 29 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 8 to 39, 41 to 44 of this Appendix.

§ 8. Contracts, mortgages, or pledges against or with enemy or ally of enemy; abrogation of contracts; suspension of limitations.

(a) Any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property of an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof

upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally: *Provided,* That no such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], required; and that in case were, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required: *Provided further,* That if, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order.

(b) Any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract.

(c) The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation: *Provided, however,* That nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law. (Oct. 6, 1917, ch. 106, § 8, 40 Stat. 418.)

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7, 9 to 39, 41 to 44 of this Appendix.

§ 9. Claims to property transferred to custodian; notice of claim; filing; return of property; suits to recover; sale of claimed property in time of war or during national emerency.

(a) Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine said claimant is entitled: *Provided,* That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may institute a suit in equity in the United States District Court for the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian,

or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated: *Provided further,* That upon a determination made by the President, in time of war or during any national emergency declared by the President, that the interest and welfare of the United States require the sale of any property or interest or any part thereof claimed in any suit filed under this subsection and pending on or after the date of enactment [Oct. 22, 1962] of this proviso the Alien Property Custodian or any successor officer, or agency may sell such property or interest or part thereof, in conformity with law applicable to sales of property by him, at any time prior to the entry of final judgment in such suit. No such sale shall be made until thirty days have passed after the publication of notice in the Federal Register of the intention to sell. The net proceeds of any such sale shall be deposited in a special account established in the Treasury, and shall be held in trust by the Secretary of the Treasury pending the entry of final judgment in such suit. Any recovery of any claimant in any such suit in respect of the property or interest or part thereof so sold shall be satisfied from the net proceeds of such sale unless such claimant, within sixty days after receipt of notice of the amount of net proceeds of sale serves upon the Alien Property Custodian, or any successor officer or agency, and files with the court an election to waive all claims to the net proceeds, or any part thereof, and to claim just compensation instead. If the court finds that the claimant has established an interest, right, or title in any property in respect of which such an election has been served and filed, it shall proceed to determine the amount which will constitute just compensation for such interest, right, or title, and shall order payment to the claimant of the amount so determined. An order for the payment of just compensation hereunder shall be a judgment against the United States and shall be payable first from the net proceeds of the sale in an amount not to exceed the amount the claimant would have received had he elected to accept his proportionate part of the net proceeds of the sale, and the balance, if any, shall be payable in the same manner as are judgments in cases arising under section 1346 of Title 28. The Alien Property Custodian or any successor officer or agency shall, immediately upon the entry of final judgment, notify the Secretary of the Treasury of the determination by final judgment of the claimant's interest and right to the proportionate part of the net proceeds from the sale, and the final determination by judgment of the amount of just compensation in the event the claimant has elected to recover just compensation for the interest in the property he claimed.

(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or at the time when it was voluntarily delivered to him or was seized by him was—

(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city; or

(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or

(3) A woman who at the time of her marriage was a citizen of the United States, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned, was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or who was a daughter of a resident citizen of the United States and herself a resident or former resident thereof, or the minor daughter or daughters of such woman, she being deceased; or

(3A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, state or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

(3B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country: *Provided, however,* That nothing contained herein shall be construed as limiting or abrogating any existing rights of an individual under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; or

(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or other property concerned was within the territory of the United States by reason of the service of such officer in such capacity; or

(5) A citizen or subject of Germany or Austria-Hungary, who by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes [sections 21 to 24 of this title] and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the

War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States; or

(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder; or

(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof; or

(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or other property concerned was the diplomatic or consular property of such Government; or

(9) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or who is not a citizen or subject of any nation, State or free city, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000 is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000: *Provided,* That an individual shall not be entitled, under this paragraph, to the return of any money or other property owned by a partnership, association, unincorporated body of individuals, or corporation at the time it was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him hereunder; or

(10) A partnership, association, other unincorporated body of individuals, or corporation, and that it is not otherwise entitled to the return of its money or other property, or any part thereof. under this section, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000, is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000; or

(11) A partnership, association, or other unincorporated body of individuals, having its principal place of business within any country other than Germany, Austria, Hungary, or Austria-Hungary, or a corporation, organized or incorporated within any country other than Germany, Austria, Hungary, or Austria-Hungary, and that the control of, or more than 50 per centum of the interests or voting power in, any such partnership, association, other unincorporated body of individuals, or corporation, was at such time, and is at the time of the return of any money or other property, vested in citizens or subjects of nations, States, or free cities other than Germany, Austria, Hungary, or Austria-Hungary: *Provided, however,* That this subsection shall not affect any rights which any citizen or subject may have under paragraph (1) of this subsection; or

(12) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property, and has filed the written consent provided for in subsection (m) of this section; or

(13) A partnership, association or other unincorporated body of individuals, having its principal place of business at such time within any country other than Austria, Hungary, or Austria-Hungary, or a corporation organized or incorporated within any country other than Austria, Hungary, or Austria-Hungary, and that the written consent provided for in subsection (m) of this section has been filed; or

(14) An individual who at such time was a citizen or subject of Germany or who, at the time of the return of any money or other property, is a citizen or subject of Germany or is not a citizen or subject of any nation, State, or free city, and that the written consent provided for in subsection (m) of this section has been filed; or

(15) Repealed. Aug. 6, 1956, ch. 1016, § 3, 70 Stat. 1073.

(16) An individual, partnership, association, or other unincorporated body of individuals, or a corporation, and that the written consent provided for in subsection (m) of this section has been filed, and that no suit or proceeding against the United States or any agency thereof is pending in respect of such return, and that such individual has filed a written waiver renouncing on behalf of himself, his heirs, successors, and assigns any claim based upon the fact that at the time of such return he was in fact entitled to such return under any other provision of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; or

(17) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Austria and is so owned at the time of the return of its money or other property; or

(18) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Austria, or a corporation organized or incorporated within Austria; or

(19) An individual who at such time was a citizen of Austria or who, at the time of the return of any money or other property, is a citizen of Austria; or

(20) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Hungary and is so owned at the time of the return of its money or other property; or

(21) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Hungary, or a corporation organized or incorporated within Hungary; or

(22) An individual who at such time was a citizen of Hungary or who, at the time of the

return of any money or other property, is a citizen of Hungary;

Then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said owner or to the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian: *Provided,* That no person shall be deemed or held to be a citizen or subject of Germany or Austria or Hungary or Austria-Hungary for the purposes of this section, even though he was such citizen or subject at the time first specified in this subsection, if he has become or shall become, ipso facto or through exercise of option, a citizen or subject of any nation or State or free city other than Germany, Austria, or Hungary, (first) under the terms of such treaties of peace as have been or may be concluded subsequent to November 11, 1918, between Germany or Austria or Hungary (of the one part) and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part), or (second) under the terms of such treaties as have been or may be concluded in pursuance of the treaties of peace aforesaid between any nation, State, or free city (of the one part) whose territories, in whole or in part, on August 4, 1914, formed a portion of the territory of Germany or Austria-Hungary and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part). For the purposes of this section any citizen or subject of a State or free city which at the time of the proposed return of money or other property of such citizen or subject hereunder forms a part of the territory of any one of the following nations: Germany, Austria, or Hungary, shall be deemed to be a citizen or subject of such nation. And the receipt of the said owner or of the person by whom said money or other property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to all claims of all persons heretofore or hereafter claiming any right, title, or interest in said money or other property, or compensation or damages arising from the capture of such money or other property by the President or the Alien Property Custodian: *Provided further, however,* That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein.

(c) Any person whose money or other property the President is authorized to return under the provisions of subsection (b) of this section may file notice of claim for the return of such money or other property, as provided in subsection (a) of this section, and thereafter may make application to the President for allowance of such claim and/or may institute suit in equity to recover such money or other property, as provided in said subsection, and with like effect. The President or the court, as the case may be, may make the same determinations with respect to citizenship and other relevant facts that the President is authorized to make under the provisions of subsection (b) of this section.

(d) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property without filing the written consent provided for in subsection (m) of this section, then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution directly to the persons entitled thereto. Return in accordance with the provisions of this subsection may be made in any case where an application or court proceeding by any legal representative, under the provisions of this subsection before its amendment by the Settlement of War Claims Act of 1928 [Act March 10, 1928, ch. 167] is pending and undetermined at the time of the enactment of such Act. All bonds or other security given under the provisions of this subsection before such amendment shall be canceled or released and all sureties thereon discharged.

(e) No money or other property shall be returned nor any debt allowed under this section to any person who is a citizen or subject of any nation which was associated with the United States in the prosecution of the war, unless such nation in like case extends reciprocal rights to citizens of the United States: *Provided,* That any arrangement made by a foreign nation for the release of money and other property of American citizens and certified by the Secretary of State to the Attorney General as fair and the most advantageous arrangement obtainable shall be regarded as meeting this requirement; nor in any event shall a debt be allowed under this section unless it was owing to and owned by the claimant prior to October 6, 1917, and as to claimants other than citizens of the United States unless it arose with reference to the money or other property held by the Alien Property Custodian or Treasurer of the United States hereunder; nor shall a debt be allowed under this section unless notice of the claim has been filed, or application therefor has been made, prior to the date of the enactment of the Settlement of War Claims Act of 1928 [Act March 10, 1928, ch. 167].

(f) Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

(g) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property upon filing the written consent provided for in subsection (m) of this section, then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such

money or other property may be returned, upon filing the written consent provided for in subsection (m) of this section, to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution to the persons entitled thereto. This subsection shall not be construed as extinguishing or diminishing any right which any citizen of the United States may have had under this subsection prior to its amendment by the Settlement of War Claims Act of 1928 [Act March 10, 1928, ch. 167] to receive in full his interest in the property of any individual dying before such amendment.

(h) The aggregate value of the money or other property returned under paragraphs (9) and (10) of subsection (b) of this section to any one person, irrespective of the number of trusts involved, shall in no case exceed $10,000.

(i) For the purposes of paragraphs (9) and (10) of subsection (b) of this section accumulated net income, dividends, interest, annuities, and other earnings, shall be considered as part of the principal.

(j) The Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which has not been sold, licensed, or otherwise disposed of under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], and to return any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been licensed, except that any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which is returned by the Alien Property Custodian and which has been licensed, or in respect of which any contract has been entered into, or which is subject to any lien or encumbrance, shall be returned subject to the license, contract, lien, or encumbrance.

(k) Except as provided in section 27 [section 27 of this Appendix], paragraphs (12) to (22), both inclusive, of subsection (b) of this section shall apply to the proceeds received from the sale, license, or other disposition of any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him.

(*l*) This section shall apply to royalties paid to the Alien Property Custodian, in accordance with a judgment or decree in a suit brought under subsection (f) of section 10 [section 10 (f) of this Appendix]; but shall not apply to any other money paid to the Alien Property Custodian under section 10 [section 10 of this Appendix].

(m) No money or other property shall be returned under paragraphs (12), (13), (14), or (16) of subsection (b) of this section or under subsection (g) or (n) of this section or (to the extent therein provided) under subsection (p) of this section, unless the person entitled thereto files a written consent to a postponement of the return of an amount equal to 20 per centum of the aggregate value of such money or other property (at the time, as nearly as may be, of the return), as determined by the Alien Property Custodian, and the investment of such amount in accordance with the provisions of section 25 [section 25 of this Appendix]. Such amount shall be deducted from the money to be returned to such person, so far as possible, and the balance shall be deducted from the proceeds of the sale of so much of the property as may be necessary, unless such person pays the balance to the Alien Property Custodian, except that no property shall be so sold prior to the expiration of six years from the date of the enactment of the Settlement of War Claims Act of 1928 [Act March 10, 1928, ch. 167] without the consent of the person entitled thereto. The amounts so deducted shall be returned to the persons entitled thereto as provided in subsection (f) of section 25 [section 25 (f) of this Appendix]. The sale of any such property shall be made in accordance with the provisions of section 12 [section 12 of this Appendix], except that the provisions of such section relating to sales or resales to, or for the benefit of, citizens of the United States shall not be applicable. If such aggregate value of the money or other property to be returned under paragraphs (12), (13), (14), or (16) of subsection (b) of this section or under subsection (g) of this section is less than $2,000, then the written consent shall not be required and the money or other property shall be returned in full without the temporary retention and investment of 20 per centum thereof.

(n) In the case of property consisting of stock or other interest in any corporation, association, company, or trust, or of bonded or other indebtedness thereof, evidenced by certificates of stock or by bonds or by other certificates of interest therein or indebtedness thereof, or consisting of dividends or interest or other accruals thereon, where the right, title, and interest in the property (but not the actual certificate or bond or other certificate of interest or indebtedness) was conveyed, transferred assigned, delivered, or paid to the Alien Property Custodian, or seized by him, if the President determines that the owner thereof or of any interest therein has acquired such ownership by assignment, transfer, or sale of such certificate or bond or other certificate of interest or indebtedness, (it being the intent of this subsection that such assignment, transfer, or sale shall not be deemed invalid hereunder by reason of such conveyance, transfer, assignment, delivery, or payment to the Alien Property Custodian or seizure by him) and that the written consent provided for in subsection (m) of this section has been filed, then the President may make in respect of such property an order of the same character, upon the same conditions, and with the same effect, as in cases provided for in subsection (b) of this section, including the benefits of subsection (c) of this section.

(o) The provisions of paragraph (12) to (14), (17) to (21), or (22) of subsection (b) of this section, or of subsection (m) or (n) of this section, and (except to the extent therein provided) the provisions of paragraph (16) of subsection (b) of this section, shall not be construed as diminishing or extinguishing any right under any other provision of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this

Appendix] in force immediately prior to the enactment of the Settlement of War Claims Act of 1928 [Act March 10, 1928, ch. 167].

(p) The Alien Property Custodian shall transfer the money or other property in the trust of any partnership, association, or other unincorporated body of individuals, or corporation, the existence of which has terminated, to trusts in the names of the persons (including the German Government and members of the former ruling family) who have succeeded to its claim or interest; and the provisions of subsection (a) of this section relating to the collection of a debt (by order of the President or of a court) out of money or other property held by the Alien Property Custodian or the Treasurer of the United States shall be applicable to the debts of such successor and any such debt may be collected out of the money or other property in any of such trusts if not returnable under subsection (a) of this section. Subject to the above provisions as to the collection of debts, each such successor (except the German Government and members of the former ruling family) may proceed for the return of the amount so transferred to his trust, in the same manner as such partnership, association, or other unincorporated body of individuals, or corporation might proceed if still in existence. If such partnership, association, or other unincorporated body of individuals, or corporation, would have been entitled to the return of its money or other property only upon filing the written consent provided for in subsection (m) of this section, then the successor shall be entitled to the return under this subsection only upon filing such written consent.

(q) The return of money or other property under paragraphs (15), (17), (18), (19), (20), (21), or (22) of subsection (b) of this section (relating to the return of Austrian and Hungarian nationals) shall be subject to the limitations imposed by subsections (d) and (e) of section 7 of the Settlement of War Claims Act of 1928 [Act Mar. 10, 1928, ch. 167, 45 Stat. 265, 266]. (Oct. 6, 1917, ch. 106, § 9, 40 Stat. 419; July 11, 1919, ch. 6, § 1, 41 Stat. 35; June 5, 1920, ch. 241, 41 Stat. 977; Feb. 27, 1921, ch. 76, 41 Stat. 1147; Dec. 21, 1921, ch. 13, 42 Stat. 351; Dec. 27, 1922, ch. 13, 42 Stat. 1065; Mar. 4, 1923, ch. 285, § 1, 42 Stat. 1511; May 7, 1926, ch. 252, 44 Stat. 406; Mar. 10, 1928, ch. 167, §§ 11—14, 20, 45 Stat. 270—273, 277; June 25, 1936, ch. 804, 49 Stat. 1921; Aug. 24, 1937, ch. 745, 50 Stat. 748; June 25, 1948, ch. 646, § 32 (a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Aug. 6, 1956, ch. 1016, § 3, 70 Stat. 1073; Oct. 22, 1962, Pub. L. 87-846, title II, § 203, 76 Stat. 1113.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-846 added provisions for sale of claimed property in time of war or during national emergency, publication of notice in Federal Register of intention to sell, deposit of net proceeds of sale in a special account in the Treasury, satisfaction of the claim from such net proceeds, election to waive claims to net proceeds and to claim just compensation, judicial determination of amount of compensation, order for payment, judgment against United States and notification of Secretary of the Treasury respecting the determination of election made.

1956—Subsec. (b)(15). Act Aug. 6, 1956, repealed subsec. (b)(15) which related to property of the Austro-Hungarian Bank.

1937—Subsec. (e). Act Aug. 24, 1937, added the proviso that arrangements by foreign nations certified by the Secretary of State would be regarded as meeting the reciprocity requirement for return of property.

1928—Subsection (b) (12)—(22). Act Mar. 10, 1928, ch. 167, § 11, added subsecs. (b) (12)—(22).

Subsections (*l*)—(q). Act Mar. 10, 1928, ch. 167, §§ 13 and 14, added subsecs. (*l*)—(q).

1926—Subsec. (b) (3a) and (3b). Act May 7, 1926, added subsec. (b) (3a) and (3b).

1923—Subsec. (b) (9)—(11). Act Mar. 4, 1923, added pars. (9)—(11) of subsec. (b), and subsecs. (g)—(j) and redesignated former subsec. (g) as subsec. (k).

1922—Subsec. (a). Act Dec. 27, 1922, increased the time limit for instituting a suit from eighteen to thirty months.

1921—Subsec. (a). Act Dec. 21, 1921 increased the time limit for instituting a suit from six to eighteen months.

Subsec. (b). Act Feb. 27, 1921, added to pars. (2) and (3) the requirement that money or property be acquired subsequent to Jan. 1, 1917, and eliminated from par. (3) the requirement that citizenship be by birth in the United States.

1920—Act June 5, 1920, added pars. (1) to (8) of subsec. (b) and added subsecs. (c)—(g), the latter two subsecs. having formerly been the last two paragraphs, respectively, of subsec. (b).

1919—Act July 11, 1919, eliminated the requirement of owner's assent to the transfer of property to the Custodian, gave the Supreme Court of the District of Columbia co-extensive jurisdiction with the District Courts over suits, and added a proviso permitting the Custodian to acquit his responsibility by transferring the property of persons, who were enemies by reason of residence in enemy occupied countries, to those persons or their designated representatives.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia" in subsec. (a).

Act June 25, 1936, substituted "district court of the United States for the District of Columbia" for "Supreme Court of the District of Columbia" in subsec. (a).

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

Act Mar. 10, 1928, popularly known as the Settlement of War Claims Act of 1928 provided for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and the nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian.

Sections 9 (c)—19 of the act were classified to sections 9, 10, 20, and 22—31 of this Appendix. Sections 1—9 (b) of the act were never classified.

The act has been amended to extend the time of presenting claims under it several times as follows: Acts Mar. 10, 1930, ch. 175, 46 Stat. 84; June 14, 1932, ch. 259, 47 Stat. 318; Mar. 3, 1933, ch. 210, 47 Stat. 1488; June 12, 1933, ch. 60, 48 Stat. 125; June 18, 1934, ch. 608, 48 Stat. 1019; June 27, 1934, ch. 851, 48 Stat. 1267; June 26, 1938, ch. 852, 49 Stat. 1984; May 23, 1938, ch. 263, 52 Stat. 437. The act of May 23, 1938, was the final extension and it allowed the presentation of claims up to 12 years after Mar. 10, 1938.

Act Aug. 6, 1947, ch. 506, 61 Stat. 789, amended section 4 (b), (c) of act Mar. 10, 1928, to change the order of priority for payment of claims out of the German special deposit account.

EFFECT OF TERMINATION OF STATE OF WAR BETWEEN UNITED STATES AND GERMANY

Termination of war by Joint Res. Oct. 19, 1951, ch. 519, 65 Stat. 451, as not affecting property already vested, see said Joint Res. Oct. 19, 1951, set out as a note preceding section 1 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

CROSS REFERENCES

Conspiracy to defraud United States, see section 371 of Title 18, Crimes and Criminal Procedure.

Payment of taxes and expenses by Alien Property Custodian, see section 23 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 8, 10 to 39, 41 to 44 of this Appendix.

§ 10. Acts permitted; applications for patents, or registration of trade-marks or copyrights; payment of tax in relation thereto; licenses under enemy owned patent or copyright; statements by licensees; term and cancellation; suits against licensees; restraining infringements; powers of attorney; keeping secret inventions.

Nothing contained in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] shall be held to make unlawful any of the following acts:

(a) Repealed. Aug. 8, 1946, ch. 910, § 13, 60 Stat. 944.

(b) Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President.

(c) Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trade-mark, print, label or copyrighted matter. The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding $100, and not exceeding one per centum of the fund deposited as hereinafter provided. Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) of this section.

(d) The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter, or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subsection (f) of this section, or upon the direction of the alien property custodian.

(e) Unless surrendered or terminated as provided in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which is it granted. Upon violation by the licensee of any of the provisions of this Act [said sections], or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him.

(f) The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter: *Provided, however,* That whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit: *Provided further,* That the licensee may make

any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease.

If suit is brought as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

In the case of any such patent, trade-mark, print, label, or copyright, conveyed, assigned, transferred, or delivered to the Alien Property Custodian or seized by him, any suit brought under this subsection, within the time limited therein, shall be considered as having been brought by the owner within the meaning of this subsection, in so far as such suit relates to royalties for the period prior to the sale by the Alien Property Custodian of such patent, trade-mark, print, label, or copyright, if brought either by the Alien Property Custodian or by the person who was the owner thereof immediately prior to the date such patent, trade-mark, print, label, or copyright was seized or otherwise acquired by the Alien Property Custodian.

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war: *Provided,* That no final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal courts.

(h) All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

(i) Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war: *Provided,* That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of Patents that, in violation of said order, said invention has been published or that an application for a patent therefor has been filed in any other country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government. (Oct. 6, 1917, ch. 106, § 10, 40 Stat. 420; Mar. 10, 1928, ch. 167, § 19, 45 Stat. 277; Aug. 8, 1946, ch. 910, § 13, 60 Stat. 944.)

AMENDMENTS

1946—Subsec. (a). Act Aug. 8, 1946, repealed subsec. (a).

1928—Subsec. (f). Act Mar. 10, 1928, added last par. of subsec. (f).

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SIMILAR PROVISIONS

The provisions of subsection (i) of this section are similar to the provisions of act Oct. 6, 1917, ch. 95, 40 Stat. 394 (formerly set out as section 42 of Title 35, Patents), which was repealed and superseded by act Feb. 1, 1952, ch. 4, 66 Stat. 3. Act Feb. 1, 1952 (also formerly set out as chapter 3 of Title 35) was also repealed by act July 19, 1952, ch. 950, § 5, 66 Stat. 815, and is now covered by chapter 17 of Title 35, Patents.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

PRESIDENT'S PROCLAMATION

Proclamation of May 24, 1917, 40 Stat. 1669, authorized citizens owning letters patent issued by the German Empire to pay any tax, annuity or fee required by the laws of the German Empire for preservation of their rights in the letters patent.

CROSS REFERENCES

Return by Custodian to United States of payments under licenses, assignments, or sales of patents, see section 27 of this Appendix.

Secrecy of certain inventions and filing applications in foreign country, see chapter 17 of Title 35, Patents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 9, 11 to 39, 41 to 44 of this Appendix.

§ 11. Importations prohibited.

Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another. **(Oct. 6, 1917, ch. 106, § 11, 40 Stat. 422.)**

EXTENSION OF IMPORT LIMITATIONS

Joint Res. Nov. 19, 1919, ch. 121, 41 Stat. 361, continued provisions of section 1 et seq. of this Appendix and proclamations limiting imports to Jan. 15, 1920.

PRESIDENT'S PROCLAMATIONS

Proclamation of Nov. 28, 1917, 40 Stat. 1722, forbade the importation of various articles except under license granted by the War Trade Board.

Proclamation of Feb. 14, 1918, 40 Stat. 1748, added other articles to the list of articles upon which import limitations were placed.

CROSS REFERENCES

Power of Congress to regulate commerce, see Const. Art. 1, § 8, cl. 3.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 10, 12 to 39, 41 to 44 of this Appendix.

§ 12. Property transferred to Alien Property Custodian.

All moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act [section 1 to 6, 7 to 39 and 41 to 44 of this Appendix] shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury.

All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as hereinafter provided; and the President is authorized to designate as a depositary, or depositaries, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depositary or depositaries, located and doing business in the United States. The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depositary or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depositary or by the alien property custodian into the Treasury of the United States as hereinbefore provided.

The President shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.

The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which has been or shall be, or which has been or shall be required to be, conveyed, transferred, assigned, delivered, or paid over to him in pursuance of the provisions of this Act [said sections], and, in addition thereto, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, shall have power to manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights or powers which may be or become appurtenant thereto or to the ownership thereof in like manner as though he were the absolute owner thereof: *Provided,* That any property sold under this Act [said sections] except when sold to the United States, shall be sold only to American citizens, at public sale to the highest bidder, after public advertisement of time and place of sale which shall be where the property or a major portion thereof is situated, unless the President stating the reasons therefor, in the public interest shall otherwise determine: *Provided further,* That when sold at public sale, the alien property custodian upon the order of the President stating the reasons therefor, shall have the right to reject all bids and resell such property at public sale or otherwise as the President may direct. Any person purchasing property from the alien property custodian for an undisclosed principal, or for re-sale to a person not a citizen of the United States, or for the benefit of a person not a citizen of the United States, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than $10,000, or imprisonment for not more than ten years, or both, and the property shall be forfeited to the United States. It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him.

Any money or property required or authorized by the provisions of this Act [said sections] to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the

Treasurer of the United States with the same effect as if to the alien property custodian.

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct: *Provided, however,* That on order of the President as set forth in section nine hereof [section 9 of this Appendix], or of the court, as set forth in sections nine and ten hereof [sections 9 and 10 of this Appendix], the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court: *And provided further,* That the Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof [section 10 of this Appendix], repay to the licensee any funds deposited by said licensee. (Oct. 6, 1917, ch. 106, § 12, 40 Stat. 423; Mar. 28, 1918, ch. 28, § 1, 40 Stat. 460.)

AMENDMENTS

1918—Act Mar. 28, 1918, required that property sold be sold at public sale to American citizens, gave the Custodian the right to reject bids, and made violations of sale regulations subject to fine or imprisonment as misdemeanors.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

TRANSFER OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 6237—A, July 30, 1933, provided:

"I hereby vest in the Alien Property Custodian, and in the event of his death, resignation, absence, or disability, in the General Counsel, and in the event of his death, resignation, absence, or disability during his period of authority, then in the Director of Finance and Accounts of the Office of the Alien Property Custodian, all power and authority conferred upon me by the provisions of the act approved October 6, 1917, known as the "Trading With the Enemy Act," as amended [sections 1—6, 7—39 and 41—44 of this Appendix] pertaining to the deposit, transfer, and payment of moneys, and interest which may have accrued thereon, which may be or have been deposited with the Treasurer of the United States, and to release and deliver property held under and by virtue of said acts: *Provided, however,* That all claims which are required to be submitted to the Attorney General and to the President, as provided in Executive Order No. 4862 of April 23, 1928, shall continue to be submitted to the Attorney General and to the President. Any order of payment of money, and interest, which may be executed by said officials shall constitute a ratification of all previous orders or acts, by virtue of which the funds in the possession of the Treasurer of the United States have been placed to the credit of the particular trusts on which such orders are drawn. I hereby revoke all former orders in conflict herewith."

Ex. Ord. No. 7894, 3 F.R. 998, May 23, 1938, authorized and directed "the Attorney General of the United States to exercise all power and authority conferred upon the President by section 12 of the said [Trading with the Enemy] act, as amended [section 12 of this Appendix]."

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

CROSS REFERENCES

Accumulated interest and profits; "unallocated interest fund", see section 28 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 11, 13 to 39, 41 to 44 of this Appendix.

§ 13. Statements by masters of vessels and owners of cargoes before granting clearances.

During the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen [sections 71 and 94 of Title 46] to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's, shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen. (Oct. 6, 1917, ch. 106, § 13, 40 Stat. 424.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The collector of customs, referred to in this section, is an official of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 12, 14 to 39, 41 to 44 of this Appendix.

§ 14. Same; refusal of clearance; reports of gold or silver coin in cargoes for export.

During the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section [section 13 of this Appendix] are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is authorized and empowered subject to review by the President to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the collector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy. (Oct. 6, 1917, ch. 106, § 14, 40 Stat. 424.)

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31. 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The collector of customs, referred to in this section, is an official of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 13, 15 to 39, 41 to 44 of this Appendix.

§ 15. Appropriation.

CODIFICATION

Section, act Oct. 6, 1917, ch. 106, § 15, 40 Stat. 425, made an appropriation of $450,000 for the purpose of carrying out the Act during the fiscal year ending June 30, 1918. and is omitted as executed.

§ 16. Offenses; punishment; forfeitures of property.

Whoever shall willfully violate any of the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] or of any license, rule or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act [said sections] shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. (Oct. 6, 1917, ch. 106, § 16, 40 Stat. 425.)

EMERGENCY PLANS FOR ALIEN PROPERTY

Attorney General to develop emergency plans for seizure and administration of alien property, see section 2(f) of Ex. Ord. No. 11310, Oct. 11, 1966, 31 F.R. 13199, set out as a note under section 509 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 15, 17 to 39, 41 to 44 of this Appendix.

§ 17. Rules by district courts; appeals.

The district courts of the United States are given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary." (Oct. 6, 1917, ch. 106, § 17, 40 Stat. 425.)

REFERENCES IN TEXT

Act Mar. 3, 1911, ch. 231, §§ 128, 238, referred to in the text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. Section 128 of the act is now covered by sections 1291, 1292 and 1293 of Title 28, Judiciary and Judicial Procedure and section 238 is now covered by sections 1252 and 1253 of Title 28.

CROSS REFERENCES

Waiver of demand or enforcement thereof and acceptance of compromise settlement, see section 29 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 16, 18 to 39, 41 to 44 of this Appendix.

§ 18. Jurisdiction of courts of Philippines and Canal Zone of offenses.

The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act [said sections] committed upon the high seas and of conspiracies to commit such offenses as defined by

section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act [said sections] are extended to the Philippine Islands and to the Canal Zone. (Oct. 6, 1917, ch. 106, § 18, 40 Stat. 425.)

REFERENCES IN TEXT

Act Mar. 4, 1909, ch. 321, § 37, 35 Stat. 1096, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 371 of Title 18, Crimes and Criminal Procedure.

PHILIPPINE INDEPENDENCE

Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, recognized the independence of the Philippine Islands as of July 4, 1946, and is set out as a note under that section.

CROSS REFERENCES

Jurisdiction of courts of Philippine Islands continued, see section 1382 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 17, 19 to 39, 41 to 44 of this Appendix.

§ 19. Print, newspaper or publication in foreign languages.

Ten days after the approval of this act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at ——— on ——— (naming the post office where the translation was filed, and the date of filing thereof), as required by the Act of ——— (here giving the date of this Act [said sections])."

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen: *Provided, further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed, published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of ——— (here giving date of this Act [said sections]), on file at the post office of ——— (giving name of office)."

Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association, violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than $500, or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned. (Oct. 6, 1917, ch. 106, § 19, 40 Stat. 425.)

REFERENCES IN TEXT

Act June 15, 1917, ch. 30, §§ 1—8, 40 Stat. 217, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and these provisions relating to espionage are now covered by sections 792—794 and 2388 of Title 18, Crimes and Criminal Procedure.

Act Mar. 4, 1909, ch. 321, § 125, 35 Stat. 1111, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 1621 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 18, 20 to 39, 41 to 44 of this Appendix.

§ 20. Fees of agents, attorneys, or representatives.

No property or interest or proceeds shall be returned under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], nor shall any payment be made or judgment awarded in respect of any property or interest vested in or transferred to any officer or agency of the United States under this Act [said sections] unless satisfactory evidence is furnished to the President or such officer or agency as he may designate, or the court, as the case may be, that the aggregate of the fees to be paid to all agents, attorneys at law or in fact, or representatives, for services rendered in connection with such return or payment or judgment does not exceed 10 per centum of the value of such property or interest or proceeds or of such payment. Any agent, attorney at law or in fact, or representative, believing that the aggregate of the fees should be in excess of such 10 per

centum may in the case of any return of, or the making of any payment in respect of, such property or interest or proceeds by the President or such officer or agency as he may designate, petition the district court of the United States for the district in which he resides for an order authorizing fees in excess of 10 per centum and shall name such officer or agency as respondent. The court hearing such petition, or a court awarding any judgment in respect of any such property or interest or proceeds, as the case may be, shall approve an aggregate of fees in excess of 10 per centum of the value of such property or interest or proceeds only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess. Any person accepting any fee in excess of an amount approved hereunder, or retaining for more than thirty days any portion of a fee, accepted prior to approval hereunder, in excess of the fee as approved, shall be guilty of a violation of this Act [said sections]. (Oct. 6, 1917, ch. 106, § 20, as added Mar. 4, 1923, ch. 285, § 2, 42 Stat. 1515, and amended Mar. 10, 1928, ch. 67, § 9(c), 45 Stat. 267; Mar. 8, 1946, ch. 83, § 2, 60 Stat. 54; June 25, 1956, ch. 436, 70 Stat. 331.)

AMENDMENTS

1956—Act June 25, 1956, eliminated provisions which required a schedule of fees to be furnished to, and approved by, the President or such officer or agency as he designated, and which permitted approval of such schedule of fees only upon a determination that the individual fees did not exceed fair compensation for services rendered.

1946—Act Mar. 8, 1946, raised the limitation of fees from 3 per centum of amount involved to 10 per centum.

1928—Act Mar. 10, 1928 added the words, "at law or in fact" following the word, "attorney" wherever it appears in this section.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

CROSS REFERENCES

Docket fees and costs of briefs, see section 1923 of Title 28, Judiciary and Judicial Procedure.

EX. ORD. NO. 9725. ADMINISTRATION OF POWERS AND AUTHORITY OF PRESIDENT BY ALIEN PROPERTY CUSTODIAN

Ex. Ord. No. 9725, May 16, 1946, 11 F. R. 5381, provided:

The Alien Property Custodian is designated as the officer to administer the powers and authority conferred upon the President by section 20 of the Trading with the Enemy Act, as amended by Public Law 322, 79th Congress, approved March 8, 1946 [this section], and by section 32 of the said act, as added by the said Public Law 322 [section 32 of this Appendix].

The Alien Property Custodian may delegate to officers and employees of the Office of Alien Property Custodian such functions as he may deem necessary to carry out the provisions of this order.

This order shall not be construed as revoking or limiting any power or authority heretofore delegated to the Alien Property Custodian.

HARRY S. TRUMAN

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 19, 21 to 39, 41 to 44 of this Appendix.

§ 21. Claims of naturalized citizens as affected by expatriation.

The claim of any naturalized American citizen under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control. (Oct. 6, 1917, ch. 106, § 21, as added Mar. 4, 1923, ch. 285, § 2, 42 Stat. 1516.)

REFERENCES IN TEXT

"Second sentence of section 2 of the Act entitled 'An Act in reference to the expatriation of citizens and their protection abroad,' approved March 2, 1907," referred to in the text (and formerly classified to sections 16 and 17 of Title 8, Aliens and Nationality), was repealed and superseded by act Oct. 14, 1940, ch. 876, title I, subchap. IV, §§ 401, 402, 404, subchap. V, § 504, 54 Stat. 1168—1170, 1172. Sections 401, 402 and 404 of act Oct. 14, 1940 as amended (also formerly classified to sections 801, 802 and 804 of said Title 8), were repealed by act June 27, 1952, ch. 477, title IV, § 403 (a) (42), 66 Stat. 280, and are now covered by subchapter III of chapter 12 of Title 8.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 20, 22 to 39, 41 to 44 of this Appendix.

§ 22. Fugitives from justice barred from recovery.

No person shall be entitled to the return of any property or money under any provision of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], or any amendment of this Act [said sections], who is a fugitive from justice of the United States or any State or Territory thereof, or the District of Columbia. (Oct. 6, 1917, ch. 106, § 22, as added Mar. 4, 1923, ch. 285, § 2, 42 Stat. 1516, and amended Mar. 10, 1928, ch. 167, § 16, 45 Stat. 275.)

AMENDMENTS

1928—Act Mar. 10, 1928, amended the section by adding the words "or any amendment of this Act" following the words "any provision of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 21, 23 to 39, 41 to 44 of this Appendix.

§ 23. Payment of income, etc., by Alien Property Custodian.

The Alien Property Custodian is directed to pay to the person entitled thereto, from and after March 4, 1923, the net income (including dividends, interest, annuities, and other earnings), accruing and collected thereafter, in respect of any money or property held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe. (Oct. 6, 1917, ch. 106, § 23, as added Mar. 4, 1923, ch. 285, § 2, 42 Stat. 1516, and amended Mar. 10, 1928, ch. 167, § 17, 45 Stat. 275.)

AMENDMENTS

1928—Act Mar. 10, 1928, eliminated the restriction that no person be paid any amount over $10,000 per annum.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested

in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 22, 24 to 39, 41 to 44 of this Appendix.

§ 24. Payment of taxes and expenses by Alien Property Custodian.

(a) The Alien Property Custodian is authorized to pay all taxes (including special assessments), heretofore or hereafter lawfully assessed by any body politic against any money or other property held by him or by the Treasurer of the United States under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], and to pay the necessary expenses incurred by him or by any depositary for him in securing the possession, collection, or control of any such money or other property, or in protecting or administering the same. Such taxes and expenses shall be paid out of the money or other property against which such taxes are assessed or in respect of which such expenses are incurred, or (if such money or other property is insufficient) out of any other money or property held for the same person, notwithstanding the fact that a claim may have been filed or suit instituted under this Act [said sections]. No claim shall be filed with the Alien Property Custodian or allowed by him or by the President of the United States, nor shall any suit be instituted or maintained against the Alien Property Custodian or the Treasurer of the United States, or the United States, under any provisions of law, by any person who was an enemy or ally of enemy as defined in the Trading with the Enemy Act, as amended [said sections], and no allowance of any such claim now pending shall be made, nor judgment entered in any such suit heretofore or hereafter instituted, for the recovery of any deduction or deductions, heretofore or hereafter made by the Alien Property Custodian from money or properties, or income therefrom, held by him or by the Treasurer of the United States hereunder, for the general or administrative expenses of the office of the Alien Property Custodian, which deduction or deductions on the collection of any income do not exceed the sum of two per centum of such income or which on the return of any moneys or properties or income therefrom, do not exceed the sum of two per centum of the aggregate value thereof at the time or times as nearly as may be, of such deduction or deductions, or, for the recovery of any deduction or deductions heretofore or hereafter made by the Alien Property Custodian from money or properties or income therefrom held by him or by the Treasurer of the United States hereunder, for any and all necessary expenses incurred and actually disbursed by the Alien Property Custodian or by any depositary for him in securing the possession, collection or control of any such money or properties or income therefrom, or in protecting or administering the same, as said general or administrative and other expenses and said aggregate value of returned money or properties or income therefrom have been heretofore or shall be hereafter determined by said Alien Property Custodian.

(b) In the case of income, war-profits, excess-profits, or estate taxes imposed by any Act of Congress, the amount thereof shall, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, be computed in the same manner (except as hereinafter in this section provided) as though the money or other property had not been seized by or paid to the Alien Property Custodian, and shall be paid as far as practicable, in accordance with subsection (a) of this section. Pending final determination of the tax liability the Alien Property Custodian is authorized to return, in accordance with the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], money or other property in any trust in such amounts as may be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to be consistent with the prompt payment of the full amount of the internal-revenue taxes. Notwithstanding the expiration of any period of limitation provided by law, credit or refund of any income, war-profits, or excess-profits tax erroneously or illegally assessed or collected may be made or allowed if claim therefor was filed with the Commissioner of Internal Revenue by the Alien Property Custodian on or before February 15, 1933.

(c) So much of the net income of a taxpayer for the taxable year 1917, or any succeeding taxable year, as represents the gain derived from the sale or exchange by the Alien Property Custodian of any property conveyed, transferred, assigned, delivered, or paid to him, or seized by him, may at the option of the taxpayer be segregated from the net income and separately taxed at the rate of 30 per centum. This subsection shall be applied and the amount of net income to be so segregated shall be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, as nearly as may be in the same manner as provided in section 208 of the Revenue Act of 1926 (relating to capital net gains), but without regard to the period for which the property was held by the Alien Property Custodian before its sale or exchange, and whether or not the taxpayer is an individual.

(d) Any property sold or exchanged by the Alien Property Custodian (whether before or after the date of the enactment of the Settlement of War Claims Act of 1928) shall be considered as having been compulsorily or involuntarily converted, within the meaning of the income, excess-profits, and war-profits tax laws and regulations; and the provisions of such laws and regulations relating to such a conversion shall (under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury) apply in the case of the proceeds of such sale or exchange. For the purpose of determining whether the proceeds of such conversion have been expended within such time as will entitle the taxpayer to the benefits of such laws and regulations relating to such a conversion, the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

(e) In case of any internal-revenue tax imposed in respect of property conveyed, transferred, as-

signed, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period (in the taxable year 1917 or any succeeding taxable year) during which such property was held by him or by the Treasurer of the United States, no interest or civil penalty shall be assessed upon, collected from, or paid by or on behalf of, the taxpayer; nor shall any interest be credited or paid to the taxpayer in respect of any credit or refund allowed or made in respect of such tax.

(f) The benefits of subsections (c)—(e) of this section shall be extended to the taxpayer if claim therefor is filed before the expiration of the period of limitations properly applicable thereto, or before the expiration of six months after the date of the enactment of the Settlement of War Claims Act of 1928, whichever date is the later. The benefits of subsection (d) of this section shall also be extended to the taxpayer if claim therefor is filed before the expiration of six months after the return of the proceeds. (Oct. 6, 1917, ch. 106, § 24, as added Mar. 4, 1923, ch. 285, § 2, 42 Stat. 1516, and amended Mar. 10, 1928, ch. 167, § 18, 45 Stat. 276, 277; Mar. 28, 1934, ch. 102, title I, § 1, 48 Stat. 510; June 18, 1934, ch. 567, 48 Stat. 978.)

REFERENCES IN TEXT

Revenue Act Feb. 26, 1926, ch. 27, § 208, referred to in subsection (c), has been substantially reenacted as section 117 of Title 26, Internal Revenue Code 1939 and subchapter P of chapter 1 of Title 26, Internal Revenue Code 1954.

AMENDMENTS

1934—Subsec. (a). Act Mar. 28, 1934, added the provisions relating to recovery by enemies of deductions made by the Alien Property Custodian for administrative expenses.

Subsec. (b). Act June 18, 1934, provided that credit or refund of income or war profits erroneously collected might be allowed if the claim was filed on or before Feb. 15, 1933.

1928—subsecs. (b)—(f). Act Mar. 10, 1928, added subsecs. (b)—(f).

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SIMILAR PROVISIONS

A provision similar to subdivision (a) of this section was contained in the sundry civil appropriation act for the fiscal year 1919, act July 1, 1918, ch. 113, § 1, 40 Stat. 646.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

For act Mar. 10, 1928, referred to in the text, providing for the settlement of certain claims, see note under section 9 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment of Office of Alien Property Custodian during World War II, see note under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 23, 25 to 39, 41 to 44 of this Appendix.

§ 25. Investments by Custodian in participating certificates issued by Secretary of Treasury; transfers to and payments from German, Austrian or Hungarian special deposit accounts; allocation of payments.

(a) (1) The Alien Property Custodian is authorized and directed to invest, from time to time upon the request of the Secretary of the Treasury, out of the funds held by the Alien Property Custodian or by the Treasurer of the United States for the Alien Property Custodian, an amount not to exceed $40,000,000 in the aggregate, in one or more participating certificates issued by the Secretary of the Treasury in accordance with the provisions of this section.

(2) When in the case of any trust written consent under subsection (m) of section 9 [section 9 (m) of this Appendix] has been filed, an amount equal to the portion of such trust the return of which is temporarily postponed under such subsection shall be credited against the investment made under paragraph (1) of this subsection. If the total amount so credited is in excess of the amount invested under paragraph (1) of this subsection, the excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection, without regard to the $40,000,000 limitation in paragraph (1) of this subsection. If the amount invested under paragraph (1) of this subsection is in excess of the total amount so credited, such excess shall, from time to time on request of the Alien Property Custodian, be paid to him out of the funds in the German special deposit account created by section 4 of the Settlement of War Claims Act of 1928, and such payments shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration).

(b) The Alien Property Custodian is authorized and directed to invest, in one or more participating certificates issued by the Secretary of the Treasury, out of the unallocated interest fund, as defined in section 28 [section 28 of this Appendix]—

(1) The sum of $25,000,000. If, after the allocation under section 26 [section 26 of this Appendix] has been made, the amount of the unallocated interest fund allocated to the trust described in subsection (c) of such section is found to be in excess of $25,000,000, such excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection. If the amount so allocated is found to be less than $25,000,000 any participating certificate or certificates that have been issued shall be corrected accordingly; and

(2) The balance of such unallocated interest fund remaining after the investment provided for in paragraph (1) [of this subsection] and the payment of allocated earnings in accordance with the provisions of subsection (b) of section 26 [section 26 (b) of this Appendix] have been made.

(c) If the amount of such unallocated interest fund, remaining after the investment required by paragraph (1) of subsection (b) of this section has been made, is insufficient to pay the allocated earnings in accordance with subsection (b) of section 26 [section 26 (b) of this Appendix], then the amount necessary to make up the deficiency shall be paid out of the funds in the German special deposit account created by section 4 of the Settlement of War Claims Act of 1928, and such payment shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection

(c) of such section (relating to expenses of administration) and the payments under paragraph (2) of subsection (a) of this section.

(d) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9 [section 9 of this Appendix]) to transfer to the Secretary of the Treasury, for deposit in such special deposit account, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the German Government or any member of the former ruling family. All money and other property shall be held to be owned by the German Government (1) if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of three years from the date of the enactment of the Settlement of War Claims Act of 1928, or (2) if any claim has been filed before the expiration of such period (whether before or after the enactment of such Act), then if the ownership thereof under any such claim is not established by a decision of the Alien Property Custodian or by suit in court instituted, under section 9 [section 9 of this Appendix], within one year after the decision of the Alien Property Custodian, or after the date of the enactment of the Settlement of War Claims Act of 1928, whichever date is later. The amounts so transferred under this subsection shall be credited upon the final payment due the United States from the German Government on account of the awards of the Mixed Claims Commission.

(e) The Secretary of the Treasury is authorized and directed to issue to the Alien Property Custodian, upon such terms and conditions and under such regulations as the Secretary of the Treasury may prescribe, one or more participating certificates, bearing interest payable annually (as nearly as may be) at the rate of 5 per centum per annum, as evidence of the investment by the Alien Property Custodian under subsection (a) of this section, and one or more non-interest bearing participating certificates, as evidence of the investment by the Alien Property Custodian under subsection (b) of this section. All such certificates shall evidence a participating interest, in accordance with, and subject to the priorities of, the provisions of section 4 of the Settlement of War Claims Act of 1928, in the funds in the German special deposit account created by such section, except that—

(1) The United States shall assume no liability, directly or indirectly, for the payment of any such certificates, or of the interest thereon, except out of funds in such special deposit account available therefor, and all such certificates shall so state on their face; and

(2) Such certificates shall not be transferable, except that the Alien Property Custodian may transfer any such participating certificate evidencing the interest of a substantial number of the owners of the money invested, to a trustee duly appointed by such owners.

(f) Any amount of principal or interest paid to the Alien Property Custodian in accordance with the provisions of subsection (c) of section 4 of the Settlement of War Claims Act of 1928 shall be allocated pro rata among the persons filing written consents under subsection (m) of section 9 of this Act [section 9 (m) of this Appendix], and the amounts so allocated shall be paid to such persons. If any person to whom any amount is payable under this subsection has died (or if, in the case of a partnership, association, or other unincorporated body of individuals, or a corporation, its existence has terminated), payment shall be made to the persons determined by the Alien Property Custodian to be entitled thereto.

(g) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9 [section 9 of this Appendix]) to transfer to the Secretary of the Treasury, for deposit in the special deposit account (Austrian or Hungarian, as the case may be), created by section 7 of the Settlement of War Claims Act of 1928, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the Austrian Government or any corporation all the stock of which was owned by or on behalf of the Austrian Government (including the property of the Imperial Royal Tobacco Monopoly, also known under the name of K. K. Oesterreichische Tabak Regie), or owned by the Hungarian Government or by any corporation all the stock of which was owned by or on behalf of the Hungarian Government. (Oct. 6, 1917, ch. 106, § 25, as added Mar. 10, 1928, ch. 167, § 10, 45 Stat. 268, and amended Feb. 21, 1929, ch. 291, 45 Stat. 1255; Mar. 10, 1930, ch. 75, § 2, 46 Stat. 84.)

AMENDMENTS

1930—Subsec. (d)(1). Joint Res. Mar. 10, 1930, substituted "three years" for "two years."

1929—Subsec. (d)(1). Act Feb. 21, 1929, substituted "two years" for "one year".

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

For act Mar. 10, 1928, referred to in the text, providing for the settlement of certain claims, see note under section 9 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment of Office of Alien Property Custodian during World War II, see note under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 24, 26 to 39, 41 to 44 of this Appendix.

§ 26. Allocation of "unallocated interest fund."

(a) The Alien Property Custodian shall allocate among the various trusts the funds in the "unallocated interest fund" (as defined in section 28 [section 28 of this Appendix]). Such allocation shall be based upon the earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12 [section 12 of this Appendix].

(b) The Alien Property Custodian, when the allocation has been made, is authorized and directed to pay to each person entitled, in accordance with

a final decision of a court of the United States or of the District of Columbia, or of an opinion of the Attorney General, to the distribution of any portion of such unallocated interest fund, the amount allocated to his trust, except as provided in subsection (c) of this section.

(c) In the case of persons entitled, under paragraphs (12) to (14), or (16) of subsection (b) of section 9 [section 9(b) (12 to 14), or (16) of this Appendix], to such return, and in the case of persons who would be entitled to such return thereunder if all such money or property had not been returned under paragraph (9) or (10) of such subsection [section 9 (b) (9) or (10) of this Appendix], and in the case of persons entitled to such return under subsection (n) of section 9 [section 9 (n) of this Appendix], an amount equal to the aggregate amount allocated to their trusts shall be credited against the sum of $25,000,000 invested in participating certificates under paragraph (1) of subsection (b) of section 25 [section 25 (b) (1) of this Appendix]. If the aggregate amount so allocated is in excess of $25,000,000, an amount equal to the excess shall be invested in the same manner. Upon the repayment of any of the amounts so invested, under the provisions of section 4 of the Settlement of War Claims Act of 1928, the amount so repaid shall be distributed pro rata among such persons, notwithstanding any receipts or releases given by them.

(d) The unallocated interest fund shall be available for carrying out the provisions of this section, including the expenses of making the allocation. (Oct. 6, 1917, ch. 106, § 26, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 273, and amended June 11, 1929, ch. 14, 46 Stat. 6.)

AMENDMENTS

1929—Subsec. (a). Act June 11, 1929, struck out the words "average rate of" in the second sentence preceding the word "earnings."

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

For act Mar. 10, 1928, referred to in the text, providing for settlement of certain claims, see note under section 9 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 25, 27 to 39, 41 to 44 of this Appendix.

§ 27. Return by Custodian, to United States, of payments under licenses, assignments or sales of patents.

The Alien Property Custodian is authorized and directed to return to the United States any consideration paid to him by the United States under any license, assignment, or sale by the Alien Property Custodian to the United States of any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application). (Oct. 6, 1917, ch. 106, § 27, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 274.)

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

CROSS REFERENCES

Enemy's rights under patents, see section 10 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 26, 28 to 39, 41 to 44 of this Appendix.

§ 28. "Unallocated interest fund," defined.

As used in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], the term "unallocated interest fund" means the sum of (1) the earnings and profits accumulated prior to March 4, 1923, and attributable to investments and reinvestments under section 12 [section 12 of this Appendix] by the Secretary of the Treasury, plus (2) the earnings and profits accumulated on or after March 4, 1923, in respect of the earnings and profits referred to in clause (1) of this section. (Oct. 6, 1917, ch. 106, § 28, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 274.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 27, 29 to 39, 41 to 44 of this Appendix.

§ 29. Waiver by Custodian of demand for property; acceptance of less amount; approval of Attorney General.

(a) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under any provision of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand or requirement, or accept in full satisfaction of such demand, requirement, judgment, or decree, a less amount than that demanded or required by him.

(b) The Alien Property Custodian shall not make any such waiver or compromise except with the approval of the Attorney General; nor (if any part of such money or property would be returnable only upon the filing of the written consent required by subsection (m) of section 9 [section 9 (m) of this Appendix]) unless, after compliance with the terms and conditions of such waiver or compromise, the Alien Property Custodian or the Treasurer of the

United States will hold (in respect of such enemy or ally of enemy) for investment as provided in section 25 [section 25 of this Appendix], an amount equal to 20 per centum of the sum of (1) the value of the money or other property held by the Alien Property Custodian or the Treasurer of the United States at the time of such waiver or compromise, plus (2) the value of the money or other property to which the Alien Property Custodian would be entitled under such demand or requirement if the waiver or compromise had not been made.

(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the interest or right of such enemy or ally of enemy in such money or property has not, prior to the enactment of the Settlement of War Claims Act of 1928, vested in enjoyment, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, without compliance with the requirements of subsection (b) of this section, but only with the approval of the Attorney General.

(d) Nothing in this section shall be construed as requiring the Alien Property Custodian to make any waiver or compromise authorized by this section, and the Alien Property Custodian may proceed in respect of any demand or requirement referred to in subsection (a) or (c) of this section as if this section had not been enacted.

(e) All money or other property received by the Alien Property Custodian as a result of any action or proceeding (whether begun before or after the enactment of the Settlement of War Claims Act of 1928, and whether or not for the enforcement of a demand or requirement as above specified) shall for the purposes of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] be considered as forming a part of the trust in respect of which such action or proceeding was brought, and shall be subject to return in the same manner and upon the same conditions as any other money or property in such trust, except as otherwise provided in subsection (b) of this section. (Oct. 6, 1917, ch. 106, § 29, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 274.)

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

For act Mar. 10, 1928, referred to in the text, providing for the settlement of certain claims, see note under section 9 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 28, 30 to 39, 41 to 44 of this Appendix.

§ 30. Attachment or garnishment of funds or property held by Custodian.

Any money or other property returnable under subsection (b) or (n) of section 9 [section 9 (b) or (n) of this Appendix] shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law and to attachments for the enforcement of judgments at law and decrees in equity, but any writ of attachment or garnishment issuing in any such suit, or for the enforcement of any judgment or decree, shall be served only upon the Alien Property Custodian, who shall for the purposes of this section be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable. Nothing in this section shall be construed as authorizing the taking of actual possession, by any officer of any court, of any money or other property held by the Alien Property Custodian or by the Treasurer of the United States. (Oct. 6, 1917, ch. 106, § 30, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 275.)

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

WORLD WAR II ALIEN PROPERTY CUSTODIAN

Re-establishment and termination of Office of Alien Property Custodian during World War II, see notes under section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 29, 31 to 39, 41 to 44 of this Appendix.

§ 31. "Member of former ruling family," defined.

As used in this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], the term "member of the former ruling family" means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person. (Oct. 6, 1917, ch. 106, § 31, as added Mar. 10, 1928, ch. 167, § 15, 45 Stat. 275.)

CROSS REFERENCES

Definitions generally, see section 2 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 30, 32 to 39, 41 to 44 of this Appendix.

§ 32. Return of property.

(a) Conditions precedent.

The President, or such officer or agency as he may designate, may return any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, whenever the President or such officer or agency shall determine—

(1) That the person who has filed a notice of claim for return, in such form as the President or such officer or agency may prescribe, was the owner of such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian, or is the legal representative

(whether or not appointed by a court in the United States), or successor in interest by inheritance, devise, bequest, or operation of law, of such owner; and

(2) That such owner, and legal representative or successor in interest, if any, are not—

(A) the Government of Germany, Japan, Bulgaria, Hungary, or Rumania; or

(B) a corporation or association organized under the laws of such nation: *Provided*, That any property or interest or proceeds which, but for the provisions of this subdivision, might be returned under this section to any such corporation or association, may be returned to the owner or owners of all the stock of such corporation or of all the proprietary and beneficial interest in such association, if their ownership of such stock or proprietary and beneficial interest existed immediately prior to vesting in or transfer to the Alien Property Custodian and continuously thereafter to the date of such return (without regard to purported divestments or limitations of such ownership by any government referred to in subdivision (A) of this subsection) and if such ownership was by one or more citizens of the United States or by one or more corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia: *Provided further*, That such owner or owners shall succeed to those obligations limited in aggregate amount to the value of such property or interest or proceeds, which are lawfully assertible against the corporation or association by persons not ineligible to receive a return under this section; or

(C) an individual voluntarily resident at any time since December 7, 1941, within the territory of such nation, other than a citizen of the United States or a diplomatic or Consular officer of Italy or of any nation with which the United States has not at any time since December 7, 1941, been at war: *Provided*, That an individual who, while in the territory of a nation with which the United States has at any time since December 7, 1941, been at war, was deprived of life or substantially deprived of liberty pursuant to any law, decree, or regulation of such nation discriminating against political, racial, or religious groups, shall not be deemed to have voluntarily resided in such territory; or

(D) an individual who was at any time after December 7, 1941, a citizen or subject of Germany, Japan, Bulgaria, Hungary, or Rumania, and who on or after December 7, 1941, and prior to the date of the enactment of this section [March 8, 1946], was present (other than in the service of the United States) in the territory of such nation or in any territory occupied by the military or naval forces thereof or engaged in any business in any such territory: *Provided*, That notwithstanding the provisions of this subdivision return may be made to an individual who, as a consequence of any law, decree, or regulation of the nation of which he was then a citizen or subject, discriminating against political, racial, or religious groups, has at no time between December 7, 1941, and the time when such law, decree, or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation: *And provided further*, That, notwithstanding the provisions of subdivision (C) of this subsection and of this subdivision, return may be made to an individual who at all times since December 7, 1941, was a citizen of the United States, or to an individual who, having lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country, reacquired such citizenship prior to September 29, 1950, if such individual would have been a citizen of the United States at all times since December 7, 1941, but for such marriage: *And provided further*, That the aggregate book value of returns made pursuant to the foregoing proviso shall not exceed $9,000,000; and any return under such proviso may be made if the book value of any such return, taken together with the aggregate book value of returns already made under such proviso does not exceed $9,000,000; and for the purposes of this proviso the term "book value" means the value, as of the time of vesting, entered on the books of the Alien Property Custodian for the purpose of accounting for the property or interest involved; or

(E) a foreign corporation or association which at any time after December 7, 1941, was controlled or 50 per centum or more of the stock of which was owned by any person or persons ineligible to receive a return under subdivisions (A)—(C) or (D) of this subsection: *Provided*, That notwithstanding the provisions of this subdivision, return may be made to a corporation or association so controlled or owned, if such corporation or association was organized under the laws of a nation any of whose territory was occupied by the military or naval forces of any nation with which the United States has at any time since December 7, 1941, been at war, and if such control or ownership arose after March 1, 1938, as an incident to such occupation and was terminated prior to the enactment of this section [March 8, 1946];

and

(3) that the property or interest claimed, or the net proceeds of which are claimed, was not at any time after September 1, 1939, held or used, by or with the assent of the person who was the owner thereof immediately prior to vesting in or transfer to the Alien Property Custodian, pursuant to any arrangement to conceal any property or interest within the United States of any person ineligible to receive a return under subsection (a) (2) of this section;

(4) that the Alien Property Custodian has no actual or potential liability under the Renegotiation Act or the Act of October 31, 1942 (56 Stat. 1013; 35 U.S.C. §§ 89 to 96), in respect of the property or interest or proceeds to be returned and that the claimant and his predecessor in interest, if any, have no actual or potential liability of any kind under the Renegotiation Act or the said Act

of October 31, 1942; or in the alternative that the claimant has provided security or undertakings adequate to assure satisfaction of all such liabilities or that property or interest or proceeds to be retained by the Alien Property Custodian are adequate therefor; and

(5) that such return is in the interest of the United States.

(b) Extension of filing time limitation for redetermination of excessive profits.

Notwithstanding the limitation prescribed in the Renegotiation Act upon the time within which petitions may be filed in The Tax Court of the United States, any person to whom any property or interest or proceeds are returned hereunder shall, for a period of ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) following return, have the right to file such a petition for a redetermination in respect of any final order of the Renegotiation Board determining excessive profits, made against the Alien Property Custodian, or of any determination, not embodied in an agreement, of excessive profits, so made by or on behalf of a Secretary.

(c) Inventions.

Any person to whom any invention, whether patented or unpatented, or any right or interest therein is returned hereunder shall be bound by any notice or order issued or agreement made pursuant to the Act of October 31, 1942 (56 Stat. 1013; 35 U. S. C. §§ 89 to 96), in respect of such invention or right or interest, and such person to whom a licensor's interest is returned shall have all rights assertible by a licensor pursuant to section 2 of the said Act.

(d) Rights and duties.

Except as otherwise provided herein, and except to the extent that the President or such officer or agency as he may designate may otherwise determine, any person to whom return is made hereunder shall have all rights, privileges, and obligations in respect to the property or interest returned or the proceeds of which are returned which would have existed if the property or interest had not vested in the Alien Property Custodian, but no cause of action shall accrue to such person in respect of any deduction or retention of any part of the property or interest or proceeds by the Alien Property Custodian for the purpose of paying taxes, costs, or expenses in connection with such property or interest or proceeds: *Provided,* That except as provided in subsections (b) and (c) of this section no person to whom a return is made pursuant to this section, nor the successor in interest of such person, shall acquire or have any claim or right of action against the United States or any department, establishment or agency thereof, or corporation owned thereby, or against any person authorized or licensed by the United States, founded upon the retention, sale, or other disposition, or use, during the period it was vested in the Alien Property Custodian, of the returned property, interest, or proceeds. Any notice to the Alien Property Custodian in respect of any property or interest or proceeds shall constitute notice to the person to whom such property or interest or proceeds is returned and such person shall succeed to all burdens and obligations in respect of such property or interest or proceeds which accrued during the time of retention by the Alien Property Custodian, but the period during which the property or interest or proceeds returned were vested in the Alien Property Custodian shall not be included for the purpose of determining the application of any statute of limitations to the assertion of any rights by such person in respect of such property or interest or proceeds.

(e) Legal proceeding unaffected.

No return hereunder shall bar the prosecution of any suit at law or in equity against a person to whom return has been made, to establish any right, title, or interest, which may exist or which may have existed at the time of vesting, in or to the property or interest returned, but no such suit may be prosecuted by any person ineligible to receive a return under subsection (a) (2) of this section. With respect to any such suit, the period during which the property or interest or proceeds returned were vested in the Alien Property Custodian shall not be included for the purpose of determining the application of any statute of limitations.

(f) Notice of intention.

At least thirty days before making any return to any person other than a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, the President or such officer or agency as he may designate shall publish in the Federal Register a notice of intention to make such return, specifying therein the person to whom return is to be made and the place where the property or interest or proceeds to be returned are located. Publication of a notice of intention to return shall confer no right of action upon any person to compel the return of any such property or interest or proceeds, and such notice of intention to return may be revoked by appropriate notice in the Federal Register. After publication of such notice of intention and prior to revocation thereof, the property or interest or proceeds specified shall be subject to attachment at the suit of any citizen or resident of the United States or any corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, in the same manner as property of the person to whom return is to be made: *Provided,* That notice of any writ of attachment which may issue prior to return shall be served upon the Alien Property Custodian. Any such attachment proceeding shall be subject to the provisions of law relating to limitation of actions applicable to actions at law in the jurisdiction in which such proceeding is brought, but the period during which the property or interest or proceeds were vested in the Alien Property Custodian shall not be included for the purpose of determining the period of limitation. No officer of any court shall take actual possession, without the consent of the Alien Property Custodian, of any property or interest or proceeds so attached, and publication of a notice of revocation of intention to return shall invalidate any attachment with respect to the specified property or interest or proceeds, but if there is no such revocation, the President

or such officer or agency as he may designate shall accord full effect to any such attachment in returning any such property or interest or proceeds.

(g) Payment of expenses of Custodian.

Without limitation by or upon any other existing provision of law with respect to the payment of expenses by the Alien Property Custodian, the Custodian may retain or recover from any property or interest or proceeds returned pursuant to this section or section 9 (a) of this Act [section 9 (a) of this Appendix] an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or interest or proceeds, or other property or interest or proceeds returned to the same person.

(h) Designation of successor organizations to receive heirless property; time for application; payment of funds: time, allocation, claims barred by acceptance and conditions.

The President may designate one or more organizations as successors in interest to deceased persons who, if alive, would be eligible to receive returns under the provisos of subdivision (C) or (D) of subsection (a)(2) thereof. In the case of any organization not so designated before the date of enactment of this amendment, such organization may be so designated only if it applies for such designation within three months after such date of enactment.

The President, or such officer as he may designate, shall, before the expiration of the one-year period which begins on the date of enactment of this amendment, pay out of the War Claims Fund to organizations designated before or after the date of enactment of this amendment pursuant to this subsection the sum of $500,000. If there is more than one such designated organization, such sum shall be allocated among such organizations in the proportions in which the proceeds of heirless property were distributed, pursuant to agreements to which the United States was a party, by the Intergovernmental Committee for Refugees and successor organizations thereto. Acceptance of payment pursuant to this subsection by any such organization shall constitute a full and complete discharge of all claims filed by such organization pursuant to this section, as it existed before the date of enactment of this amendment.

No payment may be made to any organization designated under this section unless it has given firm and responsible assurances approved by the President that (1) the payment will be used on the basis of need in the rehabilitation and settlement of persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a)(2) of this section; (2) it will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the payment made to it) and permit such examination of its books as the President, or such officer or agency as he may designate, may from time to time require; and (3) it will not use any part of such payment for legal fees, salaries, or other administrative expenses connected with the filing of claims for such payment or for the recovery of any property or interest under this section.

As used in this subsection, "organization" means only a nonprofit charitable corporation incorporated on or before January 1, 1950, under the laws of any State of the United States or of the District of Columbia with the power to sue and be sued. (Oct. 6, 1917, ch. 106, § 32 as added Dec. 18, 1941, ch. 593, title III, § 304, as added Mar. 8, 1946, ch. 83, § 1, 60 Stat. 50 and amended Aug. 8, 1946, ch. 878, § 2, 60 Stat. 930; Aug. 5, 1947, ch. 499, § 2, 61 Stat. 784; Sept. 29, 1950, ch. 1108, § 1, 64 Stat. 1080; Mar. 23, 1951, ch. 15, title II, § 201 (a, b), 65 Stat. 23; June 6, 1952, ch. 372, 66 Stat. 129; Aug. 23, 1954, ch. 830, § 1, 68 Stat. 767; Oct. 22, 1962, Pub. L. 87-846, title II, § 204(a), 76 Stat. 1114.)

REFERENCES IN TEXT

Renegotiation Act, referred to in subsecs. (a) (4) and (b), is classified to section 1191 of this Appendix.

Act of October 31, 1942 (56 Stat. 1013; 35 U. S. C. §§ 89—96) and said act of October 31, 1942, referred to in subsecs. (a) (4) and (c), which related to royalty adjustment during World War II, expired by their own terms.

Section 2 of the said Act, referred to in subsec. (c), has reference to section 2 of Act of October 31, 1942 [former section 90 of Title 35, Patents].

The date of enactment of this amendment, referred to in subsec. (h), refers to Oct. 22, 1962, the date of enactment of Pub. L. 87-846, which amended subsec. (h) of this section.

AMENDMENTS

1962—Subsec. (h). Pub. L. 87-846 permitted application for designation as successor organization to be made within three months after Oct. 22, 1962, required payments in sum of $500,000 to be made from the War Claims Fund before expiration of one year from Oct. 22, 1962, provided for allocation of funds to multiple successor organizations and acceptance of payments as discharge of all claims, and eliminated provisions deeming a successor organization as successor in interest by operation of law, respecting time for making return to such organizations, limiting the return to $3,000,000, requiring filing of notice of claim before expiration of one year from Aug. 23, 1954, for transfer of property to eligible persons, and declaring that filing of notice of claim would not bar payment of debt claims under section 34 of this Appendix.

1954—Subsec. (h). Act Aug. 23, 1954, added subsec. (h).

1952—Subsec. (a) (2) (D). Act June 6, 1952, increased from $5,000,000 to $9,000,000 the limitation on the amount of property which may be returned to nationals.

1950—Subsec. (a)(2)(D). Act Sept. 29, 1950, clarified the authority of the Alien Property Custodian to return vested property to a person who possessed American citizenship at all times since Dec. 7, 1941, despite concurrent enemy citizenship and residence in enemy territory, and authorized the return of vested property to American women who lost their citizenship solely because of marriage, and who have reacquired their citizenship prior to Sept. 29, 1950.

1947—Subsec. (a)(2). Act Aug. 5, 1947, provided that returns shall not be made to any owner, legal representative, or successor in interest, of the Governments of Germany, Japan, Rumania, Bulgaria, or Hungary; or to corporations or associations organized under the laws of such countries; or to an individual voluntarily resident in such countries at any time since Dec. 7, 1941; or to an individual who was at any time after Dec. 7, 1941, a citizen or subject of such country and present in the territory of such nation.

1946—Subsec. (a)(2). Act Aug. 8, 1946, added provisos to subdivs. (C) and (D), respectively.

ABOLISHMENT OF WAR CONTRACTS PRICE ADJUSTMENT BOARD; TRANSFER OF FUNCTIONS

The War Contracts Price Adjustment Board was abolished and all powers, functions, and duties conferred upon

the Board by the Renegotiation Act, section 1191 of this Appendix, except those transferred to the Administrator of General Services, were transferred to the Renegotiation Board by act Mar. 23, 1951, § 201 (a) and (b), set out as section 1231 (a) and (b) of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

PURPOSE OF ACT AUG. 5, 1947

Congress in enacting act Aug. 5, 1947, outlined the purpose of the act as follows:

"Whereas article 79 of the Treaty of Peace with Italy, signed at Paris on February 10, 1947, grants to the Allied and Associated Powers the right to seize and retain 'all property rights and interests which on the coming into force of the present treaty are within its territory and belong to Italy or to Italian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Italy or Italian nationals, including debts, other than claims fully satisfied under other articles of the present treaty' and further provides that 'All Italian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned'; and

"Whereas, pursuant to article 79 of the treaty of peace. negotiations have been entered into between the Governments of the United States and of Italy looking toward an agreement under which, upon the return of property, formerly Italian, in the United States, Italy will place at the disposal of the United States funds to be used in meeting certain claims of nationals of the United States; and

"Whereas, for the purpose of carrying out such agreement, it is desirable to authorize, in accordance with the procedures provided for in section 32 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended [this section], return to Italy or citizens or subjects of Italy, or corporations or associations organized under the laws of Italy, of property vested in or transferred to the United States or its agencies; and

"Whereas, for the purpose of aiding the revival of the Italian economy and establishing it on a self-sustaining basis, it is desirable that there be returned or transferred to Italy those Italian vessels acquired by the United States after December 7, 1941, for use in the war effort and now owned by the United States and vessels of a total tonnage approximately equal to the tonnage of those Italian vessels seized by the United States after September 1, 1939, and lost while being employed in the United States war effort."

RETURN OF ITALIAN PROPERTY

Section 1 of act Aug. 5, 1947, provided: "That the President, or such officer or agency as he may designate, is hereby authorized to return, in accordance with the procedures provided for in section 32 of the Trading With the Enemy Act, as amended [this section], any property or interest, or the net proceeds thereof, which has been, since December 18, 1941, vested in or transferred to any officer or agency of the United States pursuant to the Trading With the Enemy Act, as amended [sections 1—6, 7—39 of this Appendix], and which immediately prior to such vesting or transfer was the property or interest of Italy or a citizen or subject of Italy, or a corporation or association organized under the laws of Italy."

TRANSFER OF VESSELS TO ITALIAN GOVERNMENT

Section 4 of act Aug. 5, 1947, provided: "The President is authorized upon such terms as he deems necessary (a) to transfer to the Government of Italy all vessels which were under Italian registry and flag on September 1, 1939, and were thereafter acquired by the United States and are now owned by the United States; and (b) with respect to any vessel under Italian registry and flag on September 1, 1939, and subsequently seized in United States ports and thereafter lost while being employed in the United States war effort, to transfer to the Government of Italy surplus merchant vessels of the United States of a total tonnage approximately equal to the total tonnage of the Italian vessels lost: *Provided*, That no monetary compensation shall be paid either for the use by the United States or its agencies of former Italian vessels so acquired or seized or for the return or transfer of such vessels or substitute vessels."

CROSS REFERENCES

Administration of President's power and authority by Alien Property Custodian, see note under section 20 of this Appendix.

EX. ORD. NO. 10587. ADMINISTRATION AND DELEGATION OF FUNCTIONS

Ex. Ord. No. 10587, Jan. 13, 1955, 20 F.R. 361, as amended by Ex. Ord. No. 11086, Feb. 26, 1963, 28 F.R. 1833, provided:

SECTION 1. The Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of the State of New York, is hereby designated as successor in interest to deceased persons in accordance with and for the purposes of subsection (h) of section 32 of the Trading with the Enemy Act, as added by the Act of August 23, 1954 (68 Stat. 767), and amended by section 204(a) of Public Law 87-846, approved October 22, 1962 (76 Stat. 1114) [subsec. (h) of this section].

SEC. 2. Exclusive of the designation of the Jewish Restitution Successor Organization under section 1 of this Order and the exercise of jurisdiction over the claims referred to in section 3, the Foreign Claims Settlement Commission is hereby delegated and shall carry out the functions provided for in subsection (h) of section 32 of the Trading with the Enemy Act, as amended [subsec. (h) of this section], including the designation or refusal of designation of other organizations under the first sentence of that subsection, the payment of $500,000 out of the War Claims Fund to the designated organization or organizations and all other powers, duties, authority and discretion vested in or conferred upon the President.

SEC. 3. Jurisdiction over the claims filed by the Jewish Restitution Successor Organization with the Attorney General under subsection (h) of section 32 of the Trading with the Enemy Act [subsec. (h) of this section] prior to the amendment thereof by section 204(a) of Public Law 87-846 shall remain with the Attorney General pending the discharge of such claims by that organization's acceptance of payment pursuant to subsection (h), as amended [subsec. (h) of this section] or other discharge of such claims pursuant to law.

JOHN F. KENNEDY

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 31, 33 to 39, 41 to 44 of this Appendix.

§ 33. Same; notice; institution of suits; computation of time.

No return may be made pursuant to section 9 or 32 [section 9 or 32 of this Appendix] unless notice of claim has been filed: (a) in the case of any property or interest acquired by the United States prior to December 18, 1941, by August 9, 1948; or (b) in the case of any property or interest acquired by the United States on or after December 18, 1941, not later than one year from February 9, 1954, or two years from the vesting of the property or interest in respect of which the claim is made, whichever is later. No suit pursuant to section 9 [section 9 of this Appendix] may be instituted after April 30, 1949, or after the expiration of two years from the date of the seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which relief is sought, whichever is later, but in computing such two years there shall be excluded any period during which there was pending a suit or claim for return pursuant to section 9 or 32(a) hereof [section 9 or 32(a) of this Appendix]. (Oct. 6, 1917, ch. 106, § 33, as added

Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925, and amended Aug. 5, 1947, ch. 499, § 3, 61 Stat. 786; July 1, 1948, ch. 794, 62 Stat. 1218; Feb. 9, 1954, ch. 4, 68 Stat. 7; Aug. 23, 1954, ch. 830, § 2, 68 Stat, 768; Oct. 22, 1962, Pub L. 87-846, title II, § 204(b), 76 Stat. 1115.)

AMENDMENTS

1962—Pub. L. 87-846 eliminated provision for return of property to successor organizations pursuant to section 32(h) of this Appendix if notice of claim was filed before expiration of one year from Aug. 23, 1954.

1954—Act Aug. 23, 1954, inserted, at end of first sentence, the words "except that return may be made to successor organizations designated pursuant to section 32(h) hereof if notice of claim is filed before the expiration of one year from the effective date of this Act."

Act Feb. 9, 1954, substituted "not later than one year from February 9, 1954" for "by April 30, 1949" in first sentence.

1948—Act July 1, 1948, extended the provided time for filing claims under section 9 or 32 of this Appendix.

1947—Act Aug. 5, 1947, provided that notice of certain claims could be filed by Aug. 8, 1948, or that Italian notice of claim could be filed by July 31, 1949.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 32, 34 to 39, 41 to 44 of this Appendix; title 22 section 1631o.

§ 34. Payment of debts.

(a) Claims allowable; defenses.

Any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, shall be equitably applied by the Custodian in accordance with the provisions of this section to the payment of debts owed by the person who owned such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian. No debt claim shall be allowed under this section if it was not due and owing at the time of such vesting or transfer, or if it arose from any action or transactions prohibited by or pursuant to this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] and not licensed or otherwise authorized pursuant thereto, or (except in the case of debt claims acquired by the Custodian) if it was at the time of such vesting or transfer due and owing to any person who has since the beginning of the war been convicted of violation of this Act [said sections], as amended, sections 1 to 6 of the Criminal Code, title I of the Act of June 15, 1917 (ch. 30, 40 Stat. 217), as amended; the Act of April 20, 1918 (ch. 59, 40 Stat. 534), as amended; the Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended; the Act of January 12, 1938 (ch. 2, 52 Stat. 3); title I, Alien Registration Act, 1940 (ch. 439, 54 Stat. 670); the Act of October 17, 1940 ch. 897, 54 Stat. 1201); or the Act of June 25, 1942 (ch. 447, 56 Stat 390. Any defense to the payment of such claims which would have been available to the debtor shall be available to the Custodian, except that the period from and after the beginning of the war shall not be included for the purpose of determining the application of any statute of limitations. Debt claims allowable hereunder shall include only those of citizens of the United States or of the Philippine Islands; those of corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia or the Philippine Islands; those of other natural persons who are and have been since the beginning of the war residents of the United States and who have not during the war been interned or paroled pursuant to the Alien Enemy Act; and those acquired by the Custodian. Legal representatives (whether or not appointed by a court in the United States) or successors in interest by inheritance, devise, bequest, or operation of law or debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

(b) Time limit for filing claims; extension; notice.

The Custodian shall fix a date or dates after which the filing of debt claims in respect of any or all debtors shall be barred, and may extend the time so fixed, and shall give at least sixty days' notice thereof by publication in the Federal Register. In no event shall the time extend beyond the expiration of two years from the date of the last vesting in or transfer to the Custodian of any property or interest of a debtor in respect of whose debts the date is fixed, or from the date of enactment of this section [Aug. 8, 1946], whichever is later. No debt shall be paid prior to the expiration of one hundred and twenty days after publication of the first such notice in respect of the debtor, nor in any event shall any payment of a debt claim be made out of any property or interest or proceeds in respect of which a suit or proceeding pursuant to this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] for return is pending and was instituted prior to the expiration of such one hundred and twenty days.

(c) Examination of claims.

The Custodian shall examine the claims, and such evidence in respect thereof as may be presented to him or as he may introduce into the record, and shall make a determination, with respect to each claim, of allowance or disallowance, in whole or in part.

(d) Funds for debt payments.

Payment of debt claims shall be made only out of such money included in, or received as net proceeds from the sale, use, or other disposition of, any property or interest owned by the debtor immediately prior to its vesting in or transfer to the Alien Property Custodian, as shall remain after deduction of (1) the amount of the expenses of the Office of Alien Property Custodian (including both expenses in connection with such property or interest or proceeds thereof, and such portion as the Custodian shall fix of the other expenses of the Office of Alien Property Custodian), and of taxes, as defined in section 36 hereof [section 36 of this Appendix], paid by the Custodian in respect of such property or interest or proceeds, and (2) such amount, if any, as the Custodian may establish as a cash reserve for the future payment of such expenses and taxes. If the money

available hereunder for the payment of debt claims against the debtor is insufficient for the satisfaction of all claims allowed by the Custodian, ratable payments shall be made in accordance with subsection (g) hereof to the extent permitted by the money available and additional payments shall be made whenever the Custodian shall determine that substantial further money has become available, through liquidation of any such property or interest or otherwise. The Custodian shall not be required through any judgment of any court, levy of execution, or otherwise to sell or liquidate any property or interest vested in or transferred to him, for the purpose of paying or satisfying any debt claim.

(e) Amount payable; disallowance; notice; review; additional evidence; judgment.

If the aggregate of debt claims filed as prescribed does not exceed the money from which, in accordance with subsection (d) of this section, payment may be made, the Custodian shall pay each claim to the extent allowed, and shall serve by registered mail, on each claimant whose claim is disallowed in whole or in part, a notice of such disallowance. Within sixty days after the date of mailing of the Custodian's determination, any debt claimant whose claim has been disallowed in whole or in part may file in the United States District Court for the District of Columbia a complaint for review of such disallowance naming the Custodian as defendant. Such complaint shall be served on the Custodian. The Custodian, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to the claim in question. Upon good cause shown such time may be extended by the court. Such record shall include the claim as filed, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, and the determination of the Custodian with respect thereto, including any findings made by him. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian, or could not reasonably have been adduced before him or was not available to him. The court shall enter judgment affirming, modifying, or reversing the Custodian's determination, and directing payment in the amount, if any, which it finds due.

(f) Pro rate payments; notice; review; additional evidence; intervention; judgment.

If the aggregate of debt claims filed as prescribed exceeds the money from which, in accordance with subsection (d) hereof, payment may be made, the Custodian shall prepare and serve by registered mail on all claimants a schedule of all debt claims allowed and the proposed payment to each claimant. In preparing such schedule, the Custodian shall assign priorities in accordance with the provisions of subsection (g) hereof. Within sixty days after the date of mailing of such schedule, any claimant considering himself aggrieved may file in the United States District Court for the District of Columbia a complaint for review of such schedule, naming the Custodian as defendant. A copy of such complaint shall be served upon the Custodian and on each claimant named in the schedule. The Custodian, within forty-five days after service on him. shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to such schedule. Upon good cause shown such time may be extended by the court. Such record shall include the claims in question as filed, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, any findings or other determinations made by the Custodian with respect thereto, and the schedule prepared by the Custodian. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian or could not reasonably have been adduced before him or was not available to him. Any interested debt claimant who has filed a claim with the Custodian pursuant to this section, upon timely application to the court, shall be permitted to intervene in such review proceedings. The court shall enter judgment affirming or modifying the schedule as prepared by the Custodian and directing payment, if any be found due, pursuant to the schedule as affirmed or modified and to the extent of the money from which, in accordance with subsection (d) hereof, payment may be made. Pending the decision of the court on such complaint for review, and pending final determination of any appeal from such decision, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

(g) Priority of claims.

Debt claims shall be paid in the following order of priority: (1) Wage and salary claims, not to exceed $600; (2) claims entitled to priority under sections 191 and 193 of Title 31, except as provided in subsection (h) hereof, (3) all other claims for services rendered, for expenses incurred in connection with such services, for rent, for goods and materials delivered to the debtor, and for payments made to the debtor for goods or services not received by the claimant; (4) all other debt claims. No payment shall be made to claimants within a subordinate class unless the money from which, in accordance with subsection (d) hereof, payment may be made permits payment in full of all allowed claims in every prior class.

(h) Priority as debt due United States.

No debt of any kind shall be entitled to priority under any law of the United States or any State, Territory, or possession thereof, or the District of Columbia, solely by reason of becoming a debt due or owing to the United States as a result of its acquisition by the Alien Property Custodian.

(i) Exclusiveness of relief.

The sole relief and remedy available to any person seeking satisfaction of a debt claim out of any property or interest which shall have been vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the proceeds thereof, shall be the relief and remedy provided in this section, and suits for the satisfaction of debt claims shall not be instituted, prosecuted, or further

maintained except in conformity with this section: *Provided*, That no person asserting any interest, right, or title in any property or interest or proceeds acquired by the Alien Property Custodian, shall be barred from proceeding pursuant to this Act [sections 1 to 6, and 7 to 39 and 41 to 44 of this Appendix] for the return thereof, by reason of any proceeding which he may have brought pursuant to this section; nor shall any security interest asserted by the creditor in any such property or interest or proceeds be deemed to have been waived solely by reason of such proceeding. The Alien Property Custodian shall treat all debt claims now filed with him as claims filed pursuant to this section. Nothing contained in this section shall bar any person from the prosecution of any suit at law or in equity against the original debtor or against any other person who may be liable for the payment of any debt for which a claim might have been filed hereunder. No purchaser, lessee, licensee, or other transferee of any property or interest from the Alien Property Custodian shall, solely by reason of such purchase, lease, license, or transfer, become liable for the payment of any debt owed by the person who owned such property or interest prior to its vesting in or transfer to the Alien Property Custodian. Payment to the Alien Property Custodian to any debt claimant shall constitute, to the extent of payment, a discharge of the indebtedness represented by the claim. (Oct. 6, 1917, ch. 106, § 34, as added Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925, and amended June 25, 1948, ch. 646, § 32 (a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

REFERENCES IN TEXT

Criminal Code, §§ 1—6, former sections 1—6 of Title 18, referred to in subsec. (a), were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and are covered by sections 953 and 2381—2384 of Title 18, Crimes and Criminal Procedure.

Title I of the act of June 15, 1917, ch. 30, 40 Stat. 217, as amended, former sections 31—38 of this title, referred to in subsec. (a), was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948 and is covered by sections 792—794 and 2388 of Title 18, Crimes and Criminal Procedure.

Act of Apr. 20, 1918, ch. 59, 40 Stat. 534, as amended, former sections 101—106 of this title, referred to in subsec. (a), was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by sections 2151 and 2153—2156 of Title 18, Crimes and Criminal Procedure.

Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended, referred to in subsec. (a), is classified to sections 611—621 of Title 22, Foreign Relations and Intercourse.

Act Jan. 12, 1938, ch. 2, 52 Stat. 3, former sections 45—45d of this title, referred to in subsec. (a), was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by sections 795—797 of Title 18, Crimes and Criminal Procedure.

Title I, Alien Registration Act, 1940, ch. 439, 54 Stat. 670, former sections 9—13 of Title 18, referred to in subsec. (a), was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 2385 of Title 18, Crimes and Criminal Procedure and Fed. Rules Cr. Proc. rule 41 (c), Title 18, Appendix, Crimes and Criminal Procedure.

Act Oct. 17, 1940, ch. 897, 54 Stat. 1201, former sections 14—17 of Title 18, referred to in subsec. (a), was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 2386 of Title 18, Crimes and Criminal Procedure.

Act of June 25, 1942 (ch. 447, 56 Stat. 390), referred to in subsec. (a), is classified to sections 781—785 of this Appendix.

Alien Enemy Act, referred to in subsec. (a), is classified to section 21 of this title.

CHANGE OF NAME

Subsecs. (e) and (f) amended by act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, which substituted "United States District Court for the District of Columbia" for "District Court of the United States for the District of Columbia".

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 33, 35 to 39, 41 to 44 of this Appendix.

§ 35. Hearings on claims; rules and regulations; delegation of powers.

The officer or agency empowered to entertain claims under sections 9 (a), 32, and 34 hereof [sections 9 (a), 32 and 34 of this Appendix] shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by sections 9 (a) 32, and 34 hereof [said sections] may be exercised through subordinate officers designated by such officer or agency. (Oct. 6, 1917, ch. 106, § 35, as added Dec. 18, 1941, ch. 593, Title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 34, 36 to 39, 41 to 44 of this Appendix.

§ 36. Taxes.

(a) Liability; exemptions.

The vesting in or transfer to the Alien Property Custodian of any property or interest (other than any property or interest acquired by the United States prior to December 18, 1941), or the receipt by him of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period prior or subsequent to the date of such vesting or transfer, nor render applicable the exemptions provided in title II of the Social Security Act with respect to service performed in the employ of the United States Government or of any instrumentality of the United States.

(b) Payment by Custodian; liability of former owner; enforcement of tax liability; transfer of property.

The Alien Property Custodian shall, notwithstanding the filing of any claim or the institution of any suit under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], pay any tax incident to any such property or interest, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for

any such tax accruing while such property, interest, earnings, increment, or proceeds are held by the Alien Property Custodian, unless they are returned pursuant to this Act [said sections] without payment of such tax by the Alien Property Custodian. Every such tax shall be paid by the Alien Property Custodian to the same extent, as nearly as may be deemed practicable, as though the property or interest had not been vested in or transferred to the Alien Property Custodian, and shall be paid only out of the property or interest, or earnings, increment, or proceeds thereof, to which they are incident or out of other property or interests acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or interest or the earnings, increment or proceeds thereof while held by the Alien Property Custodian except with his consent. Where any property or interest or the earnings, increment, or pursuant to section 9 (a) or 32 hereof [section 9 (a) or 32 (a) of this Appendix], the Alien Property Custodian may transfer the property or interest free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property or interest in the hands of the Alien Property Custodian.

(c) Computation; suspension of limitations, etc.

Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the Custodian with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessment, collection, refund, or credit of Federal taxes shall be suspended, with respect to any vested property or interest, or the earnings, increment or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) Definition.

The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Custodian.

(e) Exemptions.

Any tax exemption accorded to the Alien Property Custodian by specific provision of existing law shall not be affected by this section. (Oct. 6, 1917, ch. 106, § 36, as added Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925.)

REFERENCES IN TEXT

Title II of the Social Security Act, referred to in subsec. (a), is classified to subchapter II of chapter 7 of Title 42, The Public Health and Welfare.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 35, 37 to 39, 41 to 44 of this Appendix.

§ 37. Insurance of property.

The Alien Property Custodian may procure insurance in such amounts, and from such insurers, as he believes will adequately protect him against loss in connection with property or interest or proceeds held by him. (Oct. 6, 1917, ch. 106, § 37, as added Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925.)

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, are now vested in the Attorney General. See notes to section 6 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 36, 38 to 39, 41 to 44 of this Appendix.

§ 38. Shipment of relief supplies; definitions.

(a) Notwithstanding any other provision of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], it shall be lawful, at any time after the date of cessation of hostilities with any country with which the United States is at war, for any person in the United States to donate, or otherwise dispose of to, and to transport or deliver to, any person in such country and article or articles (including food, clothing, and medicine) intended to be used solely to relieve human suffering.

(b) As used in this section—

(1) the term "person" means any individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic;

(2) with respect to any country with which the United States was at war on January 1, 1946, the term "date of cessation of hostilities" shall mean the date of enactment of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix];

(3) with respect to any other war the term "date of cessation of hostilities" shall mean the date specified by proclamation of the President or by a concurrent resolution of the two Houses of Congress whichever is the earlier.

(Oct. 6, 1917, ch. 106, § 38, formerly § —, as added May 10, 1946, ch. 260, 60 Stat. 182, numbered Aug. 8, 1946, ch. 878, § 3, 60 Stat. 930.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 37, 39, 41 to 44 of this Appendix.

§ 39. Retention of properties or interests of Germany and Japan and their nationals; compensation; proceeds covered into Treasury; transfer to War Claims Fund; limitation; payments to successor organizations receiving heirless property; reimbursement of Attorney General; deductions for certain administrative expenses; transfer to Federal Republic of Germany.

(a) No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation, and disposition pursuant to the provisions of this Act [said sections] of any such property or interest therein shall be covered into the Treasury at the earliest practicable date. Nothing in this section shall be construed to repeal or otherwise affect the operation of the provisions of section 32, 40, 41, 42 or 43 of this Act [section 32, 40, 41, 42 or 43 of this Appendix] or of the Philippine Property Act of 1946.

(b) The Attorney General is authorized and directed, immediately upon the enactment of this subsection, to cover into the Treasury of the United States, for deposit into the War Claims Fund, from property vested in or transferred to him under this Act [sections 1to 6, 7 to 39 and 41 to 44 of this Appendix], such sums, not to exceed $75,000,000 in the aggregate, as may be necessary to satisfy unpaid awards heretofore or hereafter made under the War Claims Act of 1948 [sections 2001—2016 of this Appendix]. There is authorized to be appropriated to the Attorney General such sums as may be necessary to replace the sums deposited by him pursuant to the foregoing sentence. Immediately upon the enactment of this sentence [Oct. 22, 1962], the Attorney General shall cover into the Treasury of the United States, for deposit into the War Claims Fund, from property vested in or transferred to him under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], the sum of $500,000 to make payments authorized under section 32(h) of this Act [section 32(h) of this Appendix].

(c) The Attorney General is authorized and directed, immediately upon the enactment of this subsection, to cover into the Treasury of the United States, for deposit into the War Claims Fund, from property vested in or transferred to him under this Act [sections 2001 to 2016 of this Appendix], such sums, not to exceed $3,750,000 in the aggregate, as may be necessary to satisfy unpaid awards heretofore or hereafter made under the War Claims Act of 1948, as amended [sections 2001 to 2016 of this Appendix]. There is authorized to be appropriated to the Attorney General such sums as may be necessary to replace the sums deposited by him pursuant to this subsection.

(d) The Attorney General is authorized and directed to cover into the Treasury from time to time for deposit in the War Claims Fund such sums from property vested in him or transferred to him under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] as he shall determine in his discretion not to be required to fulfill obligations imposed under this Act [said sections] or any other provision of law, and not to be the subject matter of any judicial action or proceeding. There shall be deducted from each such deposit 5 per centum thereof for expenses incurred by the Foreign Claims Settlement Commission and by the Treasury Department in the administration of title II of the War Claims Act of 1948 [sections 2017 to 2017p of this Appendix]. Such deductions shall be made before any payment is made pursuant to such title [said sections]. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(e) Notwithstanding any of the provisions of subsections (a) through (d) of this section, the Attorney General is hereby authorized to transfer the three paintings vested under Vesting Order Numbered 8107, dated January 28, 1947, to the Federal Republic of Germany, to be held in trust for eventual transfer to the Weimar Museum, Weimar, State of Thuringia, Germany, in accord with the terms of an agreement to be made between the United States and the Federal Republic of Germany. (Oct. 6, 1917, ch. 106, § 39, as added July 3, 1948, ch. 826 § 12, 62 Stat. 1246, and amended Aug. 7, 1953, ch. 344, 67 Stat. 461; Sept. 2, 1958, Pub. L. 85-884, 72 Stat. 1708; Oct. 22, 1962, Pub. L. 87-846, title II, §§ 202, 204(c), 76 Stat. 1113, 1115; Oct. 23, 1962, Pub. L. 87-861, § 1, 76 Stat. 1139; Oct. 4, 1966, Pub. L. 89-619, 80 Stat. 871.)

REFERENCES IN TEXT

Philippine Property Act of 1946, referred to in subsec. (a), is classified to subchapter V of chapter 15 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1966—Subsec. (e). Pub. L. 89-619 added subsec. (e).

1962—Subsec. (a). Pub. L. 87-861 provided that nothing in this section shall be construed to repeal or otherwise affect the operation of section 40, 41, 42, or 43 of this Appendix.

Subsec. (b). Pub. L. 87-846, § 204(c), required the Attorney General to cover $500,000 into the Treasury for deposit into the War Claims Fund for payments to successor organizations receiving heirless property.

Subsec. (d). Pub. L. 87-846, § 202, added subsec. (d).

1958—Subsec. (c). Pub. L. 85-884 added subsec. (c).

1953—Act Aug. 7, 1953, designated existing provisions as subsec. (a), and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 38, 41 to 44, 2012, 2012a, 2017p of this Appendix.

§ 40. Intercustodial conflicts involving enemy property; authority of President to conclude; delegation of authority.

The President, or such officer or agency as he may designate, is authorized to conclude and give effect to agreements to further the amicable and expeditious settlement of intercustodial conflicts involving enemy property, subject to the following:

(1) The authority granted in this section shall extend only to agreements with governments with which the United States was not at war in World War II.

(2) Such agreements shall be in accordance with the policy of protecting and making available

for utilization the American and nonenemy interests in such property and further the elimination of enemy interests in such property and the efficient administration and liquidation of enemy property in the United States.

(3) For the purposes of this section, the United States as to any intergovernmental agreements hereafter negotiated shall seek treatment equal to that accorded United States nationals for persons who, although citizens or residents of an enemy country before or during World War II, were deprived of full rights of citizenship or substantially deprived of liberty by laws, decrees, or regulations of such enemy country discriminating against racial, religious, or political groups: *Provided,* That on September 28, 1950, such persons were (1) permanent residents of the United States and (2) had declared their intention to become citizens of the United States in conformity with the provisions of the Nationality Act of 1940, as amended; and that such persons shall have acquired citizenship of the United States prior to the effective date of any intergovernmental agreement hereafter negotiated.

(4) Reimbursement to the United States by other governments pursuant to such agreements shall be administered as vested property: *Provided,* That nothing contained in this section shall hinder, restrict or limit the payment of claims from the War Claims Fund established by section 2012 of this Appendix.

(Sept. 28, 1950, ch. 1094, 64 Stat. 1079.)

REFERENCES IN TEXT

The Nationality Act of 1940, as amended, referred to in subd. (3), (formerly classified to chapter 11 of Title 8, Aliens and Nationality), was repealed by act June 27, 1952, ch. 477, § 403 (a) (42), and is covered by chapter 12 of Title 8.

CODIFICATION

Section was not enacted as part of the Trading With the Enemy Act of 1917, which comprises sections 1—6, 7—39 and 41—44 of this Appendix.

EX. ORD. NO. 10244. AUTHORIZATION OF SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM CERTAIN FUNCTIONS

Ex. Ord. No. 10244, May 17, 1951, 16 F. R. 4639, provided:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950 [this section], and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950 [this section], with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950 [this section], shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended [sections 1—6, 7—39, and 41—44 of this Appendix]. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

HARRY S. TRUMAN

§ 41. Divestment of estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits; exceptions; notice of divestment.

(a) Subject to the provisions of subsection (b) hereof [of this section], all rights and interests of individuals in estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits vested under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] after December 17, 1941, which have not become payable or deliverable to or have not vested in possession in the Attorney General prior to December 31, 1961, are divested: *Provided,* That the provisions of this section shall not affect the right of the Attorney General to retain all such property rights and interests and to collect all income which is payable to or vested in possession in him prior to December 31, 1961.

(b) Nothing contained in this section shall divest or require the divestment of any portion of any such interest the beneficial owner of which is a natural person who has been convicted personally and by name by a court of competent jurisdiction of murder, ill treatment, or deportation for slave labor of prisoners of war, political opponents, hostages, or civilian population in occupied territories, or of murder or ill treatment of military or naval persons, or of plunder or wanton destruction without justified military necessity.

(c) At the earliest practicable time after the effective date of this Act, the Attorney General shall transmit to the lawful owner or custodian of any interest divested by this section written notice of such divestment. (Oct. 6, 1917, ch. 106, § 40, as added Oct. 22, 1962, Pub. L. 87-846, title II, § 205, 76 Stat. 1115.)

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (c), probably means the effective date of Pub. L. 87-846, which was approved Oct. 22, 1962.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 39, 42 to 44 of this Appendix.

§ 42. Claims for proceeds from sale of certain certificates: jurisdiction, limitations; divestment of copyrights: definition of "copyrights," rights of licensees and assignees, reproduction rights of United States, transfer of interests, payment of royalties to Attorney General, suits for infringement.

(a) Notwithstanding any statute of limitation, lapse of time, any prior decision by any court of the United States, or any compromise, release or assign-

ment to the Alien Property Custodian, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claims against the United States for the proceeds received by the United States from the sale of the property vested under the provisions of the Trading With the Enemy Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] by vesting order numbered 33 relating to certificate numbers 104 to 121, inclusive, 125, 126, 128 to 134, inclusive, and 137 to 139, inclusive. Proceedings with respect to such claims may be instituted hereunder not later than two years after the date of the enactment of this section [October 22, 1962].

(b) As used in this section the word "copyrights" includes copyrights, claims of copyrights, rights to copyrights, and rights to copyright renewals.

(c) All copyrights vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix], except copyrights vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), 17366 (16 F.R. 2483), and 17952 (16 F.R. 6162) and copyrights vested with respect to the motion picture listed last in exhibit A of vesting order 11803, as amended (13 F.R. 5167, 15 F.R. 1626), are divested as a matter of grace, effective the ninety-first day after the date of enactment of this section [Oct. 22, 1962], and the persons entitled thereto shall on that day succeed to the rights, privileges, and obligations arising out of such copyrights, subject, however, to—

(1) the rights of licensees under licenses issued by the Alien Property Custodian or the Attorney General in respect of such copyrights;

(2) the rights of assignees under assignments by the Alien Property Custodian or the Attorney General of interests in such licenses; and

(3) the right retained by the United States to reproduce, for its own use, or exhibit any divested copyrighted motion picture films.

The rights and interests remaining in the Attorney General under licenses issued by him or by the Alien Property Custodian in respect to copyrights divested hereunder are transferred, effective the day of divestment, to the persons entitled to such copyrights: *Provided,* That all unpaid royalties or other income accrued in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

(d) All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to copyrights, except—

(1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;

(2) rights or interests which have been returned or otherwise disposed of under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; and

(3) rights or interests vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), and 17366 (16 F.R. 2483),

are divested as a matter of grace, effective the ninety-first day after the date of enactment of this section [Oct. 22, 1962], and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

(e) Nothing in this section shall be construed to transfer to a person entitled to a copyright divested hereunder the right of the Attorney General to sue for the infringement of such copyright during the period between (1) the vesting thereof or the vesting of rights and interests in a contract entered into with respect thereto, and (2) the day of divestment. The right to sue for infringement shall remain in the Attorney General. (Oct. 6, 1917, ch. 106, § 41, as added Oct. 22, 1962, Pub. L. 87–846, title II, § 206, 76 Stat. 1115, and amended Aug. 26, 1964, Pub. L. 88–490, 78 Stat. 607.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88–490 substituted "render judgment upon" for "report to the Congress concerning" and "two years after the date of enactment of this section [October 22, 1962]" for "one year after the date of the enactment of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 39, 41, 43 to 44 of this Appendix.

§ 43. Divestment of trademarks.

(a) Definition.

As used in this section, the word "trademarks" includes trademarks, trade names, and the goodwill of the business to which a trademark or trade name is appurtenant.

(b) Effective date of divestment; rights of licensees; transfer of interests; payment of royalties to Attorney General.

Trademarks vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this Act [said sections], except trademarks vested by vesting orders 284, as amended (7 Fed. Reg. 9754, 9 Fed. Reg. 1038), 2354 (8 Fed. Reg. 14635), 5592 (11 Fed. Reg. 1675), and 18805 (17 Fed. Reg. 4364), are divested as a matter of grace, effective the ninety-first day after the day of enactment of this section [Oct. 23, 1962] and the persons entitled to such trademarks shall on that day succeed to the rights, privileges, and obligations arising therefrom, subject, however, to the rights of licensees under licenses issued by the Alien Property Custodian or the Attorney General in respect to such trademarks. The rights and interests remaining in the Attorney General under licenses issued by him or by the Alien Property Custodian in respect to trademarks divested hereunder are transferred, effective the day of divestment, to the persons entitled to such trademarks: *Provided,* That all unpaid royalties or other income accrued

in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

(c) Prevesting contracts; exceptions; payment of royalties to Attorney General.

All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to trademarks, except—

(1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;

(2) rights or interests which have been returned or otherwise disposed of under this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]; and

(3) rights or interests vested by vesting orders 284, as amended (7 Fed. Reg. 9754; 9 Fed. Reg. 1038), 2354 (8 Fed. Reg. 14635), 5592 (11 Fed. Reg. 1675), and 18805 (17 Fed. Reg. 4364),

are divested as a matter of grace, effective the ninety-first day after the date of enactment of this section [Oct. 23, 1962], and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

(d) Publication of ownership list in Federal Register; effective date of divestment; succession to ownership of equivalent trademarks.

The Attorney General shall within forty-five days after the date of enactment of this section [Oct. 23, 1962] publish in the Federal Register a list of trademarks which at the date of vesting in the Alien Property Custodian or Attorney General were owned by persons who were resident in or had their sole or primary seat in the area of Germany now in the Soviet Zone of Occupation or in the Soviet sector of Berlin or in German territory under provisional Soviet or Polish administration. Notwithstanding the provisions of subsection (b) of this section, the effective date of divestment of the trademarks so listed and published in the Federal Register shall be the date of publication in the Federal Register by the Secretary of State of a certification identifying the cases in which an equivalent trademark has been registered in the Federal Republic of Germany for a person residing or having its sole or primary seat in the Federal Republic of Germany or in the western sectors of Berlin. In those cases of an equivalent trademark certified by the Secretary of State, the person registered by the Federal Republic of Germany as owner of such equivalent trademark shall succeed to the ownership of the divested trademark in the United States (Oct. 6, 1917, ch. 106, § 42, as added Oct. 23, 1962, Pub. L. 87-861, § 2, 76 Stat. 1139.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 39, 41 to 42, 44 of this Appendix.

§ 44. Motion picture prints, transfer of title.

(a) Prints in custody of Library of Congress; exception.

The Attorney General is authorized and directed to transfer to the Library of Congress the title to all prints of motion pictures now in the custody of the Library, which prints were vested in or transferred to the Alien Property Custodian or the Attorney General pursuant to this Act [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix] after December 17, 1941, except prints of motion pictures which are the subject of suits or claims under section 9(a) or section 32 of this Act [section 9(a) or section 32 of this Appendix].

(b) Prints in custody of Attorney General; exception; right of selection by Library of Congress; disposal of unselected prints by Attorney General.

Subject to the right of selection by the Library of Congress, the authorization, direction, and exception contained in subsection (a) hereof [of this section] shall apply with respect to such prints now in the custody of the Attorney General. Prints not selected by the Library of Congress may be disposed of by the Attorney General in any manner he deems appropriate.

(c) Retention, reproduction and disposal of prints by Library of Congress.

With respect to all prints concerning which title is transferred to the Library of Congress pursuant to subsections (a) and (b) hereof [of this section], the Library shall have complete discretion to retain such prints and to reproduce copies thereof, or to dispose of them in any manner it deems appropriate. (Oct. 6, 1917, ch. 106, § 43, as added Oct. 23, 1962, Pub. L. 87-861, § 2, 76 Stat. 1140.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1 to 6, 7 to 39, 41 to 42, 44 of this title.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1918

ACT MAR. 8, 1918, CH. 20, 40 STAT. 440

§§ 101 to 165. Omitted.

CODIFICATION

Sections, act Mar. 8, 1918, ch. 20, Arts. I—VI, §§ 100—604, 40 Stat. 440—449, provided civil relief for soldiers and sailors during World War I. Section 124 was added as section 303 of act Mar. 8, 1918, by act Sept. 16, 1940, ch. 720, § 13(c), 54 Stat. 896.

TERMINATION AFTER OCT. 17, 1940

Sections 101—165 of this Appendix were rendered inapplicable to military service performed after Oct. 17, 1940, under Selective Training and Service Act of 1940 and Army Reserve and Retired Personnel Law of 1940, by former section 585 of this Appendix. Some of the sections had previously been made applicable to those 1940 acts by sections 313 and 404 of this Appendix. Present provisions on soldier's and sailor's civil relief are contained in section 501 et seq. of this Appendix.

RELIEF FROM FAILURE TO FILE AFFIDAVIT

Act Sept. 3, 1919, ch. 55, 41 Stat. 282, provided that where default judgments were entered and no affidavits required by section 111 of this Appendix had been filed, the plaintiff, on notice, could file an affidavit stating that persons in default were not in military service at time of entry of default judgment and authorized court to enter an order making the judgment effective as of date of entry.

LIMITATION OF ACTIONS ON CLAIMS UNDER SECTION 123 (3)

Act Mar. 4, 1923, ch. 284, 42 Stat. 1510, provided that claims under section 123 (3) of this Appendix must have been asserted prior to Mar. 4, 1923 or within one year thereafter.

SELECTIVE DRAFT ACT OF 1917

ACT MAY 18, 1917, CH. 15, 40 STAT. 76

§§ 201 to 211. Omitted.

CODIFICATION

Sections 201—211 provided for compulsory military service during World War I.

Section 201 was from act May 18, 1917, ch. 15, § 1, 40 Stat. 76.

Section 202 was from acts May 18, 1917, ch. 15, § 2, 40 Stat. 77; July 9, 1918, ch. 143, subch. XII, 40 Stat. 885; Aug. 31, 1918, ch. 166, § 1, 40 Stat. 955; Oct. 14, 1940, ch. 876, § 504, 54 Stat. 1172.

Section 203 was from act May 18, 1917, ch. 15, § 3, 40 Stat. 78.

Sections 204 and 205 were from acts May 18, 1917, ch. 15, §§ 4, 5, 40 Stat. 78—80; Aug. 31, 1918, ch. 166, §§ 2, 3, 40 Stat. 955.

Section 206 was from act May 18, 1917, ch. 15, § 6, 40 Stat. 80.

Section 207 was from acts May 18, 1917, ch. 15, § 7, 40 Stat. 81; July 9, 1918, ch. 143, subch. XIII, 40 Stat. 885.

Section 208 was from acts May 18, 1917, ch. 15, § 8, 40 Stat. 81; Apr. 20, 1918, ch. 61, 40 Stat. 534.

Sections 209—211 were from act May 18, 1917, ch. 15, §§ 9—11, 40 Stat. 82.

EFFECT OF TERMINATION OF WORLD WAR I

Act June 15, 1917, ch. 29, § 4, 40 Stat. 217, provided in part that compulsory military service under sections 201—214 of this Appendix should cease four months after proclamation of peace by the President.

STATUS OF DESERTERS; PROSECUTION OF DRAFT VIOLATORS

Joint Res. Mar. 8, 1922, ch. 101, 42 Stat. 421, provided for extension of time within which deserters and draft violators could be prosecuted.

POWER OF PRESIDENT TO INCREASE DRAFTED ARMY

Act July 9, 1918, ch. 143, subch. XXI, 40 Stat. 894, authorized the President to draft the maximum number of men necessary for prosecution of the war.

SERVICES FOR WHICH DRAFTEE LIABLE

Act Aug. 31, 1918, ch. 166, § 4, 40 Stat. 955, provided for allotment of draftees to Army, Navy, and Marine Corps.

DURATION OF SERVICE

Act June 15, 1917, ch. 29, § 4, 40 Stat. 217, provided in part that draftees and enlistees should serve for the duration of the war.

CALLING OF CERTAIN DEFERRED CLASSES FOR SERVICE

Joint Res. May 16, 1918, ch. 76, 40 Stat. 554, authorized the President to call for immediate military service persons who were placed in deferred classes.

REGISTRATION OF PERSONS ATTAINING AGE OF 21 SINCE JUNE 5, 1917

Joint Res. May 20, 1918, ch. 79, 40 Stat. 557, authorized the President to proclaim a registration date for persons who attained the age of 21 since June 5, 1917, and authorized further proclamations from time to time as necessary.

REPEAL OF RESTRICTIONS ON ENLISTMENTS; PERIOD OF ENLISTMENTS; SERVICE WITH RESERVES; PAY OF ENLISTED MEN

Act Feb. 28, 1919, ch. 79, 40 Stat. 1211, provided for repeal of so much of sections 207 and 214 of this Appendix as imposed restrictions on enlistments in Regular Army, the period of such enlistments, did not require service with the reserves, rate of pay, and discharge after one year's service to those who enlisted for three years, in discretion of Secretary of the Army.

SUPPLEMENTAL PROVISIONS RELATING TO GENERAL OFFICERS

Act Oct. 6, 1917, ch. 105, § 3, 40 Stat. 410, provided that section 208 of this Appendix should be construed to authorize the President to appoint the Chief of Staff and the commander of United States forces in France as generals, the commander of an army corps as lieutenant general, and their rate of pay and allowances.

PROC. NO. 2068. PARDON OF PERSONS CONVICTED OF VIOLATING SECTION 205

Proc. No. 2068, Dec. 23, 1933, 48 Stat. 1725, granted full pardon to all persons who had theretofore been convicted of a violation of or of a conspiracy to violate section 205 of this Appendix, and who had complied with their sentences.

§ 212. Repealed. Aug. 27, 1935, ch. 740, title II, § 203, 49 Stat. 878.

Section, act May 18, 1917, ch. 15, § 12, 40 Stat. 82, as supplemented by act Oct. 6, 1917, ch. 92, 40 Stat. 393, related to regulation and prohibition of alcoholic liquors by the President.

§§ 213, 214. Omitted.

CODIFICATION

Sections 213 and 214 related to prohibition of prostitution within certain areas of military camp, fort, etc. and the suspension during the emergency of conflicting laws.

Section 213 was from acts May 18, 1917, ch. 15, § 13, 40 Stat. 83; July 9, 1918, ch. 143, subch. XIV, 40 Stat. 885, and is now covered by section 1384 of Title 18, Crimes and Criminal Procedure.

Section 214 was from act May 18, 1917, ch. 15, § 14, 40 Stat. 83.

EXTENSION OF SECTION TO NAVY

Act Oct. 6, 1917, ch. 92, 40 Stat. 393, extended provisions of section to Navy.

SELECTIVE TRAINING AND SERVICE ACT OF 1940

ACT SEPT. 16, 1940, CH. 720, 54 STAT. 885

§§ 301 to 309a. Omitted.

CODIFICATION

Section 301, acts Sept. 16, 1940 ch. 720, § 1, 54 Stat. 885; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to the declaration of emergency and policy, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 451 of this Appendix.

Section 302, acts Sept. 16, 1940, ch. 720, § 2, 54 Stat. 885; Dec. 20, 1941, ch. 602, § 1, 55 Stat. 844; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to registration and age limits, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 453 of this Appendix.

Section 303, acts Sept. 16, 1940, ch. 720, § 3, 54 Stat. 885; Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627; Dec. 20, 1941, ch. 602, §§ 2, 9, 55 Stat. 845, 846; Nov. 13, 1942, ch. 638, §§ 1, 5, 56 Stat. 1018, 1019; May 9, 1945, ch. 112, § 2, 59 Stat. 166; May 14, 1946, ch. 253, § 3, 60 Stat. 181; June 29, 1946, ch. 522, §§ 2—4, 60 Stat. 341, which related to liability for service, number of armed forces and term of service, has been omitted as portions expired on Mar. 31, 1947 and the remainder became obsolete after July 1, 1947. Section is now covered by section 454 of this Appendix.

Section 303a, acts June 28, 1944, ch. 301, title I, § 101, 58 Stat. 544; July 17, 1945, ch. 319, § 1, 59 Stat. 485; July 23, 1946, ch. 591, title I, § 101, 60 Stat. 613, which related to medical and burial expenses of registrants, has been omitted as having been executed as of the expiration of registration, and is now covered by section 461 of this Appendix.

Section 304, acts Sept. 16, 1940, ch. 720, § 4, 54 Stat. 887; Dec. 20, 1941. ch. 602, § 3, 55 Stat. 815; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to the manner of selecting men, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 455 of this Appendix.

Section 304a, act Dec. 5, 1943, ch. 342, § 5, 57 Stat. 599, which related to pre-induction physical examinations, has been omitted as expiring with the registration provisions since it was dependent on them. Section is not now covered, but section 454 of this Appendix covers physical requirements generally.

Section 305, acts Sept. 16, 1940, ch. 720, § 5, 54 Stat. 887; May 29, 1941, ch. 155, 55 Stat. 211; Aug. 16, 1941, ch. 355, §§ 1, 2, 55 Stat. 621; Dec. 20, 1941, ch. 602, §§ 4—6, 55 Stat. 845; June 23, 1942, ch. 443, title II, § 201(a), 56 Stat. 386; Nov. 13, 1942, ch. 638, §§ 2, 4, 56 Stat. 1019; July 9, 1943, ch. 211, 57 Stat. 391; Dec. 5, 1943, ch. 342, § 1, 57 Stat. 596; May 14, 1946, ch. 253, § 2, 60 Stat. 181; June 29, 1946, ch. 522, §§ 5, 6, 60 Stat. 342; Oct. 12, 1949, ch. 681, title V, § 531(d), 63 Stat. 841, which related to exceptions, exemptions and deferments, has been omitted from the Code as having expired on Mar. 31, 1947 and is now covered by section 456 of this Appendix.

Section 305a, act Apr. 8, 1943, ch. 33, 57 Stat. 57, which related to deferments of Federal Government employees, has been omitted as having expired with section 305 on which it was dependent.

Section 305b, act Dec. 5, 1943, ch. 342, § 6, 57 Stat. 599, which related to monthly reports by the Director of Selective Service, has been omitted as obsolete.

Section 306, acts Sept. 16, 1940, ch. 720 § 6, 54 Stat. 889; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to number inducted as limited by appropriations, has been omitted as having expired on Mar. 31, 1947.

Section 307, acts Sept. 16, 1940, ch. 720, § 7, 54 Stat. 890; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to bounties for enlistment and substitutes, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 458 of this Appendix.

Section 308, acts Sept. 16, 1940, ch. 720, § 8, 54 Stat. 890; July 28, 1942, ch. 529, § 2, 56 Stat. 724; Dec. 8, 1944, ch. 548, § 1, 58 Stat. 798; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to service certificates and reemployment rights, has been omitted as having been executed, and is now covered by section 459 of this Appendix.

Section 309, acts Sept. 16, 1940, ch. 720, § 9, 54 Stat. 892; June 25, 1943, ch. 144, § 3, 57 Stat. 164; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to conscription of industry, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 468 of this Appendix.

Section 309a, acts July 12, 1943, ch. 221, title VII, § 701, 57 Stat. 518, June 28, 1944, ch. 301, title I, § 101, 58 Stat. 544; July 17, 1945, ch. 319, § 1, 59 Stat. 485; July 23, 1946, ch. 591, title I, § 101, 60 Stat. 614, which related to a work program for conscientious objectors, has been omitted as obsolete. Section 456 of this Appendix now covers deferments and service for conscientious objectors.

§ 310. Repealed. Pub. L. 89-554, § 8(a), Sept. 16, 1966, 80 Stat. 651, 652.

Section; acts Sept. 16, 1940, ch. 720, § 10, 54 Stat. 893; Dec. 5, 1943, ch. 342, §§ 2—4, 57 Stat. 597, 598; June 29, 1946, ch. 522, § 1, 60 Stat. 341; 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, which related to administrative provisions, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 460 of this Appendix.

§§ 310a to 318. Omitted.

Section 310a, acts Oct. 8, 1940, ch. 756, title I, § 101, 54 Stat. 971; Apr. 5, 1941, ch. 40, § 1, 55 Stat. 117; Apr. 28, 1942, ch. 247, title III, § 301, 56 Stat. 237; July 12, 1943, ch. 221, title VII, § 701, 57 Stat. 519; June 28, 1944, ch. 301, title I, § 101, 58 Stat. 544; July 17, 1945, ch. 319, § 1, 59 Stat. 485; July 23, 1946, ch. 591, title I, § 101, 60 Stat. 614, which related to travel expenses, has been omitted as obsolete, and is now covered by section 460(f) of this Appendix.

Section 310b, act July 2, 1945, ch. 219, §§ 1—4, 59 Stat. 312, which related to the Selective Service Medal, has been omitted as obsolete.

Section 311, acts Sept. 16, 1940, ch. 720, § 11, 54 Stat. 894; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to offenses and punishment, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 462 of this Appendix.

Section 312, acts Sept. 16, 1940, ch. 720, § 12, 54 Stat. 895; Mar. 28, 1942, ch. 206, 56 Stat. 190; June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to pay and allowances, has been omitted since subsections (a)—(c) were repealed on June 1, 1942 and the other subsections expired on Mar. 31, 1947. Section is now covered by sections 232, 251 and 252 of Title 37, Pay and Allowances.

Section 313, acts Sept. 16, 1940, ch. 720, § 13, 54 Stat. 895; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to the applicability of the Soldiers' and Sailors' Civil Relief Act, section 501 et seq. of this Appendix, has been omitted as having expired on Mar. 31, 1947, and is now covered by section 464 of this Appendix.

Section 314, acts Sept. 16, 1940, ch. 720, § 14, 54 Stat. 896; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to notice of requirements of the act, has been omitted as having expired on Mar. 31, 1947. Similar provisions appear in section 465 of this Appendix.

Section 315, acts Sept. 16, 1940, ch. 720, § 15, 54 Stat. 896; Dec. 20, 1941, ch. 602, § 7, 55 Stat. 845; June 23, 1942, ch. 443, title II, § 201 (b), 56 Stat. 387; Nov. 13, 1942, ch. 638, § 3, 56 Stat. 1019; July 1, 1944, ch. 376, 58 Stat. 720; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to definitions has been omitted as having expired on Mar. 31, 1947, and is now covered by section 466 of this Appendix.

Section 316, act Sept. 1940, ch. 720, § 16, 54 Stat. 897; May 9, 1945, ch. 112, § 1, 59 Stat. 166; May 14, 1946, ch. 253, § 1, 60 Stat. 181; June 29, 1946, ch. 522, § 7, 60 Stat. 342, which related to suspension of conflicting laws and expiration of the act, has been omitted as executed. Similar provisions are found in section 467 of this Appendix.

Section 317, acts Sept. 16, 1940, ch. 720, § 17, 54 Stat. 897; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to the effective date of the act, has been omitted as having expired on Mar. 31, 1947.

Section 318, acts Sept. 16, 1940, ch. 720, § 18, 54 Stat. 897; June 29, 1946, ch. 522, § 1, 60 Stat. 341, which related to the short title of the act, has been omitted as having expired on Mar. 31, 1947.

STATUS AND TERM OF SERVICE OF PERSONS INDUCTED INTO NAVY, MARINE CORPS OR COAST GUARD

Act Dec. 20, 1941, ch. 602, § 8, 55 Stat. 846, related to the status and term of service of persons inducted into Navy, Marine Corps or Coast Guard under Selective Training and Service Act of 1940.

RECOGNITION OF UNCOMPENSATED SERVICE OF MEMBERS OF LOCAL BOARDS, ETC.

Joint Res. June 30, 1947, ch. 167, 61 Stat. 210, directed the Director of Selective Service to issue to uncompensated personnel of the Selective Service System, upon the expiration of the Selective Training and Service Act, of 1940, as amended, suitable certificates of separation.

OFFICE OF SELECTIVE SERVICE RECORDS

ACT MAR. 31, 1947, CH. 26, 61 STAT. 31

Sec.
321. Establishment of Office of Selective Service Records; appointment and compensation of Director.
322. Functions, duties, and responsibilities of Office.
323. Transfer of funds; appropriations.
324. Transfer of property, records, and personnel to Office; transfer of surplus property to the National Guard.
325. Transfer of functions and responsibilities of Personnel Division, National Headquarters, Selective Service System to Office; effective date.
326. Powers and duties of Director; acceptance of voluntary services; fiscal, disbursing, and accounting agent; status of officers of military and naval Services and Reserves and departments or agencies detailed to Office.
327. Rules and regulations; penalties.
328. Suspension of conflicting laws.
329. Effective date.
330. Destruction of records; use of appropriations; procedures; transfers to other agencies.

TERMINATION AND REESTABLISHMENT OF OFFICE OF SELECTIVE SERVICE RECORDS; TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, ETC.

Section 10 (a) (4) of act June 24, 1948, ch. 625, title I, 62 Stat. 618, provided that: "The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) [sections 321—329 of this Appendix] and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title [sections 451, 453, 454 and 455—471 of this Appendix]: *Provided*, That, effective upon the termination of this title [said sections] and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title [June 24, 1948], (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records."

§ 321. Establishment of Office of Selective Service Records; appointment and compensation of Director.

There is established an Office of Selective Service Records, to be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. (Mar. 31, 1947, ch. 26, § 1, 61 Stat. 31.)

CODIFICATION

Provisions which limited the salary of the Director to $10,000 per annum were omitted as superseded.

The authority for covering excepted positions into the classified civil service was given the President by former section 631a of Title 5. By Executive Order 8743, Apr. 25, 1941, the President exercised this authority with respect to many previously excepted positions.

For positions now covered by the Classification Act of 1949 and for the power of the Civil Service Commission to determine the applicability of those sections to specific positions, see sections 5102, 5103, and 5341 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 328, 329 of this Appendix.

§ 322. Functions, duties, and responsibilities of Office.

The functions, duties, and responsibilties[1] of the Office of Selective Service Records shall be (a) to liquidate the Selective Service System, which liquidation shall be completed as rapidly as possible after March 31, 1947, but in any event not later than March 31, 1948, except as herein provided; (b) to preserve and service the records of Selective Service; and (c) to perform such other duties relating to the preservation of records, knowledge, and methods of Selective Service, not inconsistent with law. (Mar. 31, 1947, ch. 26, § 2, 61 Stat. 31.)

REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 328, 329 of this Appendix.

[1] So in original.

§ 323. Transfer of funds; appropriations.

The unexpended balances of funds available to the Selective Service System are made available to the Office of Selective Service Records for the purposes of this Act [sections 321 to 329 of this Appendix] and such additional appropriations as are necessary therefor are authorized. (Mar. 31, 1947, ch. 26, § 3, 61 Stat. 31.)

REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 326, 327, 328, 329 of this Appendix.

§ 324. Transfer of property, records, and personnel to Office; transfer of surplus property to the National Guard.

All property, records, and personnel of the Selective Service System are transferred to the Office of Selective Service Records and authority is granted to the Director of the Office of Selective Service Records to transfer, without reimbursement, and with the approval of the General Services Administration, to the National Guard in the several States, the District of Columbia, and Territories and possessions of the United States, or to the Organized Reserves of the armed forces, surplus property of the Selective Service System. (Mar. 31, 1947, ch. 26, § 4, 61 Stat. 31; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration, and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 328, 329 of this Appendix.

§ 325. Transfer of functions and responsibilities of Personnel Division, National Headquarters, Selective Service System to Office; effective date.

Pursuant to the third sentence of section 7 of Public Law 473, approved June 29, 1946, all functions and responsibilities of the Personnel Division, National Headquarters, Selective Service System, established under authority of section 8 (g) of the Selective Training and Service Act of 1940, as amended, together with so much of the records of the Selective Service System, and so much of the unexpended balances of appropriations of the Selective Service System, as the Director of the Bureau of the Budget may determine to relate primarily to such functions, are transferred, effective March 29, 1947, from the Selective Service System to the Secretary of Labor. (Mar. 31, 1947, ch. 26, § 5 (a), 61 Stat. 32.)

REFERENCES IN TEXT

The third sentence of section 7 of Public Law 473, approved June 29, 1946, referred to in the text, was classified to former section 316 (b) of this Appendix.

Section 8 (g) of the Selective Service Act of 1940, as amended, referred to in the text, was classified to former section 308 (g) of this Appendix.

CODIFICATION

Subsecs. (b) and (c) of section 5 of act Mar. 31, 1947, amended subsecs. (b) and (c) of section 695 of former Title 38, Pensions, Bonuses, and Veterans' Relief. See sec. 2010 et seq. of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 328, 329 of this Appendix.

§ 326. Powers and duties of Director; acceptance of voluntary services; fiscal, disbursing, and accounting agent; status of officers of military and naval Services and Reserves and departments or agencies detailed to Office.

(a) The Director is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act [sections 321 to 329 of this Appendix];

(2) to create and establish, on the date hereinafter specified, Federal record depots in the several States, the District of Columbia, Territories, and possessions of the United States, and to maintain such other offices as may be necessary for the purposes of this Act [said sections];

(3) to utilize the agencies of the Federal Government with the consent of the heads thereof, and to accept the services of all officers and agents of the several States, the District of Columbia, Territories, and possessions of the United States, and subdivisions thereof, in the execution of this Act [said sections];

(4) to appoint such officers and employees (not to exceed 1,200 in number by November 1, 1947), as may be necessary for the purposes of this Act [said sections];

(5) to delegate and provide for the delegation of any authority vested in him under this Act [sections 321 to 329 of this Appendix] to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

(b) In the administration of this Act [sections 321 to 329 of this Appendix] voluntary services may be accepted.

(c) The Chief of Finance, United States Army, is designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of the Office of Selective Service Records in carrying out the provisions of this Act [sections 321 to 329 of this Appendix].

(d) Any officer on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any Reserve component thereof, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this Act [sections 321 to 329 of this Appendix] may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Army, Navy, Marine Corps, or Coast Guard or Reserve component thereof, or as such officer or employee in any department or agency of the United States. (Mar. 31, 1947, ch. 26, § 6, 61 Stat. 32.)

CODIFICATION

Provisions of subsec. (a)(4) which authorized the Director to fix the compensation of officers and employees with or without regard to the Classification Act were omitted as obsolete and superseded since the positions are now in the classified civil service and subject to the applicable compensation schedules.

The authority for covering excepted positions into the classified civil service was given the President by former section 631a of Title 5. By Executive Order 8743, Apr. 25, 1941, the President exercised this authority with respect to many previously excepted positions.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

REESTABLISHMENT OF OFFICES

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 327, 328, 329 of this Appendix.

§ 327. Rules and regulations; penalties.

The Director is authorized to prescribe such rules and regulations as may be necessary to preserve the confidential nature of the individual confidential records previously obtained under the Selective Training and Service Act of 1940, as amended. Any person charged with the duty of carrying out any of the provisions of this Act [sections 321 to 329 of this Appendix], and who fails to carry out such provisions or who shall knowingly violate the regulations promulgated under this section, or any person or persons who shall unlawfully obtain, gain access to, or use such records, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than five years, or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law, may be tried by court martial, and, on conviction, shall suffer such punishment as the court martial may direct. (Mar. 31, 1947, ch. 26, § 7, 61 Stat. 32.)

REFERENCES IN TEXT

The Selective Training and Service Act of 1940, as amended, referred to in the text, formerly classified to sections 301—318 of this Appendix, expired Mar. 31, 1947.

REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 328, 329 of this Appendix.

§ 328. Suspension of conflicting laws.

Except as provided in this Act [sections 321 to 329 of this Appendix], all laws and parts of laws in conflict with the provisions of this Act [said sections] are suspended to the extent of such conflict

for the period in which this Act [said sections] shall be in force. (Mar. 31, 1947, ch. 26, § 8, 61 Stat. 33.)

REESTABLISHMENT OF OFFICE

For termination and reestablishment dates, see note set out preceding section 321 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 329 of this Appendix.

§ 329. Effective date.

Except as otherwise provided by the terms of this Act [sections 321 to 329 of this Appendix], the provisions hereof shall take effect at 12 o'clock postmeridian, March 31, 1947. (Mar. 31, 1947, ch. 26, § 9, 61 Stat. 33.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 326, 327, 328 of this Appendix.

§ 330. Destruction of records; use of appropriations; procedures; transfers to other agencies.

Appropriations for the Selective Service System may on and after August 28, 1958 be used for the destruction of records accumulated under the Selective Training and Service Act of 1940, as amended, by the Director of Selective Service after compliance with the procedures for the destruction of records prescribed pursuant to the Records Disposal Act of 1943, as amended (44 U.S.C. 366—380): *Provided*, That no records may be transferred to any other agency without the approval of the Director of Selective Service. (Pub. L. 85-844, title I, § 101, Aug. 28, 1958, 72 Stat. 1073.)

REFERENCES IN TEXT

Selective Training and Service Act of 1940, as amended, referred to in the text, formerly classified to sections 301—318 of this Appendix, expired Mar. 31, 1947.

The Records Disposal Act of 1943, as amended (44 U.S.C. 366-380), referred to in text, is now covered by section 3301 et seq. of Title 44, Public Printing and Documents.

SIMILAR PROVISIONS

Section is from the Independent Offices Appropriation Act, 1959. Similar provisions were contained in the following prior appropriation acts:

1957—June 29, 1957, Pub. L. 85-69, title I, § 101, 71 Stat. 235.
1956—June 27, 1956, ch. 452, title I, § 101, 70 Stat. 348.
1955—June 30, 1955, ch. 244, title I, § 101, 69 Stat. 209.
1954—June 24, 1954, ch. 359, title I, § 101, 68 Stat. 287.
1953—July 27, 1953, ch. 241, title I, § 101, 67 Stat. 189.
1952—July 5, 1952, ch. 578, title I, § 101, 66 Stat. 406.

SERVICE EXTENSION ACT OF 1941

JOINT RES. AUG. 18, 1941, CH. 362, 55 STAT. 626—628

§§ 351 to 357. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 351, Joint Res. Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626, related to the declaration of national peril for purposes of extending service under former section 303 (b) of this Appendix.

Section 352, Joint Res. Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626, authorized an eighteen-month extension of periods of service for persons inducted under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix.

Section 353, Joint Res., Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626, extended the time for application for National Service Life Insurance.

Section 354, Joint Res. Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627, related to release from service in hardship cases.

Section 355, Joint Res. Aug. 18, 1941, ch. 362, amended former section 303(c) of this Appendix.

Section 356, Joint Res. Aug. 18, 1941, ch. 362, § 6, 55 Stat. 627, authorized the President to order Regular Army retired personnel to active duty and is now covered by section 471 of this Appendix.

Section 357, Joint Res. Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627; acts Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799; Aug. 9, 1946, ch. 936, 60 Stat. 971, related to reemployment rights. Present provisions covering reemployment rights are found in section 459 of this Appendix.

§ 358. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

Section, Joint Res. Aug. 18, 1941, ch. 362, § 8, 55 Stat. 627, related to additional compensation for active service in excess of twelve months. See chapter 4 of Title 37, Pay and Allowances of the Uniformed Services.

ADDITIONAL REPEAL

Section was also repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

§§ 359 to 362. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 359, Joint Res. Aug. 18, 1941, ch. 362, § 9, 55 Stat. 628; act Aug. 7, 1946, ch. 770, § 1 (58), 60 Stat. 871, suspended limitations on the number of inductees.

Section 360, Joint Res. Aug. 18, 1941, ch. 362, § 10, 55 Stat. 628, related to enlistments in the Army without regard to component, and is now covered by section 3252 of Title 10, Armed Forces.

Section 361, Joint Res. Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, amended former section 401 of this Appendix.

Section 362, Joint Res. Aug. 18, 1941, ch. 362, § 12, 55 Stat. 628, gave the short title of the act.

ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940

JOINT RES. AUG. 27, 1940, CH. 689, 54 STAT. 858

§§ 401 to 405. Omitted.

CODIFICATION

Section 401, Joint Res. Aug. 27, 1940, ch. 689, § 1, 54 Stat. 858; Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628, which authorized the President to order reserve and retired personnel to active service, has been omitted as having been executed. Present similar provisions are found in section 471 of this Appendix.

Section 402, Joint Res. Aug. 27, 1940, ch. 689, § 2, 54 Stat. 859, which related to laws and regulations governing personnel called to active service, has been omitted as having been executed.

Section 403, Joint Res. Aug. 27, 1940, ch. 689, § 3, 54 Stat. 859; Acts Sept. 16, 1940, ch. 720, § 8(d), (f), 54 Stat. 891; July 28, 1942, ch. 529, § 1, 56 Stat. 723; Dec. 8, 1944, ch. 548, § 2, 58 Stat. 799, which related to service and health certificates and reemployment rights, has been omitted as obsolete. Present similar provisions are found in section 459 of this Appendix.

Section 404, Joint Res. Aug. 27, 1940, ch. 689, § 4, 54 Stat. 860, which made applicable the Soldiers' and Sailors' Civil Relief Act, former section 101 et seq. of this Appendix, has been omitted as having expired on Oct. 17, 1940. Present provisions are found in section 464 of this Appendix and section 501 et seq. of this Appendix.

Section 405, Joint Res. Aug. 27, 1940, ch. 689, § 5, 54 Stat. 860, which suspended all laws in conflict with sections 401—405, has been omitted as having expired with the other sections.

PAY OF PERSONS INDUCTED IN ERRONEOUS RANK OR GRADE

Act Feb. 6, 1942, ch. 42, 56 Stat. 50, related to pay of persons inducted in erroneous rank or grade under former sections 401—405 of this Appendix.

MILITARY SELECTIVE SERVICE ACT OF 1967

JUNE 24, 1948, CH. 625, TITLE I, 62 STAT. 604

Sec.
451. Short title; Congressional declaration of policy.
452. Repealed.
453. Registration.
454. Persons liable for training and service.
(a) Age limits; training in National Security Training Corps; physical and mental fitness; adequate training facilities; assignment to stations and units; training period; medical specialists categories.
(b) Length of service; release of individuals accepted into Army National Guard, Air National Guard, and other reserve components.
(c) Opportunity to enlist in Regular Army; voluntary induction; volunteers under 18 years old.
(d) Transfer to Reserve component; period of service.
(e) Pay and allowances.
(f) Additional compensation from civilian sources.
(g) Occupational deferment recommendations by the National Security Council.
(h) Repealed.
(i) Omitted.
(j) National Advisory Committee for selection of medical, etc., categories.
(k) Reduction of periods of service; establishment of National Security Training Corps; composition; service; pay.
(l) Order to active duty of reserve components in medical, dental, or allied specialist categories; period; age limit; computation of period; opportunity to resign commission; volunteer service.
454a to 454c. Omitted.
454d. Extension of reserve commissions of doctors, dentists, and other special registrants.
454e. Volunteer service of physicians and dentists; minimum period.
455. Manner of selection of men for training and service; quotas; appointment, reappointment, or promotion of persons in medical categories.
456. Deferments and exemptions from training and service.
457. Repealed.
458. Bounties for enlistment or induction; substitutes; purchase of release.
459. Separation from service.
(a) Certificate recording proficiency and merit; physical examination.
(b) Reemployment rights.
(c) Service considered as furlough or leave of absence.
(d) Jurisdiction of district court; United States attorney to act for claimant.
(e) Reemployment by Federal Government.
(f) Priority of rights to reemployment.
(g) Reemployment benefits to persons enlisting or called to active duty.
(h) Aid by Bureau of Veterans' Reemployment Rights.
(i) Right to vote; manner; poll tax.
(j) Reports on separated personnel.
460. Selective Service System.
(a) Establishment; construction; appointment and compensation of Director; termination and reestablishment of Office of Selective Service Records.
(b) Administrative provisions.
(c) Delegation of President's authority.
(d) Acceptance of gifts and voluntary services.
(e) Fiscal, disbursing, and accounting agent.
(f) Settlement of travel claims, etc.
(g) Reports to Congress.
461. Emergency medical care
462. Offenses and penalties.
463. Nonapplicability of certain laws.
464. Soldiers' and Sailors' Civil Relief Act as applicable.
Sec.
465. Notice of requirements of Act; voluntary enlistments unaffected.
466. Definitions.
467. Repeals; appropriations; termination date.
468. Utilization of industry.
(a) Placement of orders; definition of "small business".
(b) Precedence of Government placed orders.
(c) Failure to give precedence; Government possession.
(d) Same; payment of compensation by United States.
(e) Same; application of Federal and State laws governing employees.
(f) Penalties.
(g) Definitions.
(h) Rules and regulations governing steel industry; mandatory; reports to Congress.
469. Saving provisions.
470. Effective date.
471. Authority of President to order Reserve components to active service; release from active duty; retention of unit organizations and equipment.
472. Period of increased service applicable to all personnel.
473. Regulations governing liquor sales; penalties.

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in title 10 sections 511, 512, 595; title 26 section 3121; title 28 section 631.

§ 451. Short title; Congressional declaration of policy.

(a) This Act may be cited as the "Military Selective Service Act of 1967".

(b) The Congress declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation.

(c) The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

(d) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, both Ground and Air, as an integral part of the first line defenses of this Nation, be at all times maintained and assured.

To this end, it is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the Ground Forces and the Air Forces, and those in active service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], the National Guard of the United States, both Ground and Air, or such part thereof as may be necessary, together with such units of the Reserve components as are necessary for a balanced force, shall be ordered to active Federal service and continued therein so long as such necessity exists.

(e) The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and the fullest possible utilization of the Nation's technological, scientific, and other critical manpower resources. (June 24, 1948, ch. 625, title I § 1, 62 Stat. 604; June 19, 1951, ch. 144, title I, § 1

(a), 65 Stat. 75; June 30, 1967, Pub. L. 90-40, § 1(1), 81 Stat. 100.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Act June 24, 1948, ch. 625, 62 Stat. 604, as amended. Title I of the Act, as amended, is classified to sections 451, 453, 454, 455, 456, and 458-471 of this Appendix. Title II of the Act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For locations of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

The National Defense Act of 1916, as amended, referred to in subsec. (d), is the act of June 3, 1916, ch. 134, 39 Stat. 166, which was generally dispersed throughout former Title 10, Army and Air Force and was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See Title 10, Armed Forces.

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-40 substituted "Military Selective Service Act of 1967" for "Universal Military Training and Service Act".

1951—Subsec. (a). Act June 19, 1951, substituted the "Universal Military Training and Service Act" for the "Selective Service Act of 1948".

SHORT TITLE OF ACT JUNE 19, 1951

Section 7 of act June 19, 1951, provided that the Act enacting amendments to sections 451, 453, 454, 455, 456, 459, 460, 463, 466, 467, and 471 of this Appendix, enacting sections 472 and 473 of this Appendix, repealing section 457 of this Appendix, and amending note to section 454 of this Appendix, should be popularly known as the "1951 Amendments to the Universal Military Training and Service Act".

SEPARABILITY OF PROVISIONS OF ACT JUNE 19, 1951

Section 5 of act June 19, 1951, provided that: "If any provisions of this Act [sections 451, 453, 454, 455, 456, 459, 460, 463, 466, 467, and 471—473 of this Appendix] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act [said sections] and of the application of such provision to other persons and circumstances shall not be affected thereby."

CROSS REFERENCES

Authority of President to order Reserve components to active duty, see section 471 of this Appendix.

Prostitution near military camps unlawful, see section 1384 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 453, 454, 455, 456, 459, 460, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix and in title 28 section 631.

§ 452. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, acts June 24, 1948, ch. 625, title I, § 2, 62 Stat. 605; June 19, 1951, ch. 144, title I, § 1 (b), 65 Stat. 75, related to authorized personnel strength of various services, and is now covered by sections 3201 and 8201 of Title 10, Armed Forces.

§ 453. Registration.

Except as otherwise provided in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], it shall be the duty of every male citizen of the United States, and every other male person now or hereafter in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. (June 24, 1948, ch. 625, title I, § 3, 62 Stat. 605; June 19, 1951, ch. 144, title I, § 1(c), 65 Stat. 76.)

AMENDMENTS

1951—Act June 19, 1951, made all male persons now or hereafter in the United States subject to registration.

CROSS REFERENCES

Ages for registration, definitions, see section 466 of this Appendix.

Notice of requirements, proclamation fixing time for registration as, see section 465 of this Appendix.

Offenses and penalties relative to registration, see section 462 of this Appendix.

Persons exempted from registration, see section 456 of this Appendix.

Residents who have not declared their intention to become citizens, registration of, see section 456 of this Appendix.

REGISTRATION

Proc. Nos. 2799, July 20, 1948, 13 F. R. 4173, 62 Stat. 1532; 2937, Aug. 20, 1951, 16 F. R. 8263, 65 Stat. c27; 2938, Aug. 20, 1951, 16 F. R. 8265, 65 Stat. c30; 2942, Aug. 31, 1951, 16 F. R. 8969; 65 Stat. c35; 2972, Apr. 18, 1952, 17 F. R. 3473, 66 Stat. c28, provided specific dates for registration of all male citizens between the ages of 18 and 26 residing in the United States and its Territories and Possessions.

PROC. NO. 3314. REGISTRATION—SUPPLEMENTING PRIOR PROCLAMATIONS

Proc. No. 3314, Sept. 14, 1959, 24 F.R. 7517, provided:

WHEREAS under authority vested in him by the Universal Military Training and Service Act (62 Stat. 604), as amended [section 451 et seq. of this Appendix], the President by Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, and No. 2972 of April 17, 1952, provided for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of the said Act [this section];

WHEREAS certain provisions of each of the aforesaid proclamations refer to or applied to or within the Territories of Alaska and Hawaii; and

WHEREAS the State of Alaska was admitted into the Union on January 3, 1959, and the State of Hawaii was likewise admitted on August 21, 1959:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the Universal Military Training and Service Act, as amended [section 451 et seq. of this Appendix], do proclaim that all of the provisions of the aforesaid proclamations which refer to or applied to or within the Territory of Alaska or the Territory of Hawaii shall, on and after January 3, 1959, the date Alaska was admitted to the Union as a State, and on and after August 21, 1959, the date Hawaii was likewise admitted, refer to or apply to or within the State of Alaska and the State of Hawaii, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 467, 469, 470 of this Appendix.

§ 454. Persons liable for training and service.

(a) Age limits; training in National Security Training Corps; physical and mental fitness; adequate training facilities; assignment to stations and units; training period; medical specialist categories.

Except as otherwise provided in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], every male citizen of the United States and

every male alien admitted for permanent residence, who is between the ages of 18 years and 6 months and 26 years, at the time fixed for his registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], shall be liable for training and service in the Armed Forces of the United States: *Provided,* That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further,* That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted: *Provided further,* That any male alien who is between the ages of 18 years and 6 months and 26 years, at the time fixed for registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year (other than an alien exempted from registration under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] and regulations prescribed thereunder) shall be liable for training and service in the Armed Forces of the United States, except that any such alien shall be relieved from liability for training and service under this title [said sections] if, prior to his induction into the Armed Forces he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President; but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title [said sections] (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4 (k) of this title [subsection (k) of this section], and except as otherwise provided in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], every male citizen of the United States who is required to register under this title [said sections], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], and every male alien admitted for permanent residence who is required to register under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], shall be liable for training in the National Security Training Corps: *Provided,* That any male alien who is required to register under the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], and who has not reached the nineteenth anniversary of the date of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title [section 456(h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year shall be liable for training in the National Security Training Corps except that any such alien shall be relieved from such training under this title [said sections] if, prior to his induction into the National Security Training Corps he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further,* That persons deferred under the provisions of section 6 of this title [section 456 of this Appendix] shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix].

No person shall be inducted into the Armed Forces for training and service or shall be inducted for training in the National Security Training Corps under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense: *Provided,* That the minimum standards for physical acceptability established pursuant to this subsection shall not be higher than those applied to persons inducted between the ages of 18 and 26 in January 1945: *Provided further,* That the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points: *And provided further,* That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe.

No person shall be inducted for such training and service until adequate provision shall have been

made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense or the Secretary of the Treasury to be essential to the public and personal health.

The persons inducted into the Armed Forces for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title [said sections] shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Air Force of the United States.

Every person inducted into the Armed Forces pursuant to the authority of this subsection after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not less than four months, and no such person shall, during this four months' period, be assigned for duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone): *Provided,* That no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed, or ordered to active duty in, the Armed Forces under the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix].

No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this subsection if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

No person, without his consent, shall be inducted for training and service in the Armed Forces or for training in the National Security Training Corps under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth.

(b) Length of service; release of individuals accepted into Army National Guard, Air National Guard, and other reserve components.

Each person inducted into the Armed Forces under the provisions of subsection (a) of this section shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) or as otherwise prescribed by subsection (d) of section 4 of this title [subsection (d) of this section]. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the armed forces prior to serving the periods required by this subsection of individuals who volunteered for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components.

(c) Opportunity to enlist in Regular Army; voluntary induction; volunteers under 18 years old.

(1) Under the provisions of applicable laws and regulations any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the regular army for a period of service equal to that prescribed in subsection (b) of this section: *Provided,* That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951].

(2) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this Act, apply for a period of service equal to that prescribed in subsection (b) of this section and his application shall be accepted: *Provided,* That his services can be effectively utilized and that his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned: *Provided further,* That active service performed pursuant to this section shall not prejudice his status as such member of such reserve component: *And provided further,* That any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(3) Within the limits of the quota determined under section 5 (b) [section 455 (b) of this Appendix] for the subdivision in which he resides, any person, between the ages of eighteen and twenty-six, shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b) [of this section], but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification.

(4) Within the limits of the quota determined under section 5 (b) [section 455 (b) of this Appendix] for the subdivision in which he resides, any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for

the training and service prescribed in subsection (b) of this section.

(5) Within the limits of the quota determined under section 5 (b) [section 455 (b) of this Appendix] for the subdivision in which he resides, at such time as induction into the National Security Training Corps is authorized pursuant to the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the National Security Training Corps for the training prescribed in subsection (k) of section 4 of this title [subsection (k) of this section].

(d) Transfer to Reserve component; period of service.

(1) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is inducted, enlisted, or appointed (except a person enlisted under subsection (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided,* That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(2) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is enlisted under the provisions of subsection (g) of this section and who meets the qualifications for enlistment or appointment in a reserve component of the armed forces shall, upon discharge from such enlistment under honorable conditions, be transferred to a reserve component of the armed forces of the United States and shall serve therein for a period of six years or until sooner discharged. Each such person shall, so long as he is a member of such reserve component, be liable to be ordered to active duty, but except in time of war or national emergency declared by the Congress no such person shall be ordered to active duty, without his consent and except as hereinafter provided, for more than one month in any year. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can without undue hardship be filled by, any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program and to serve satisfactorily therein for a period of four years. Any such person who fails or refuses to perform such duty may be ordered to active duty, without his consent, for an additional period of not more than twelve consecutive months. Any such person who enlists or accepts appointment in any such organized unit and serves satisfactorily therein for a period of four years shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The Secretary of Defense is authorized to prescribe regulations governing the transfer of such persons within and between reserve components of the armed forces and determining, for the purpose of the requirements of the foregoing provisions of this paragraph, the credit to be allowed any person so transferring for his previous service in one or more reserve components.

(3) Each person who, subsequent to June 19, 1951, and on or before August 9, 1955, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of the reserve component during that period. If the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the Secretary of Transportation with respect to the United States Coast Guard, determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he

served is available to, and can, without undue personal hardship, be filled by such a person, that person shall enlist, enroll, or accept appointment in, or accept assignment to, the organized unit or officers' training program, and serve satisfactorily therein.

(e) Pay and allowances.

With respect to the persons inducted for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the armed forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143 to 148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143 to 148), as amended, is made applicable to persons inducted into the armed forces pursuant to this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix].

(f) Additional compensation from civilian sources.

Notwithstanding any other provision of law, any person who is inducted into the armed forces under this Act and who, before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

(g) Occupational deferment recommendations by the National Security Council.

The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.

(h) Repealed. June 19, 1951, ch. 144, § 1 (h), 65 Stat. 80.

(i) Omitted.

(j) National Advisory Committee for selection of medical, etc., categories.

The President shall establish a National Advisory Committee which shall advise the Selective Service System and shall coordinate the work of such State and local volunteer advisory committees as may be established to cooperate with the National Advisory Committee, with respect to the selection of needed medical and dental and allied specialist categories of persons. The members of the National Advisory Committee shall be selected from among individuals who are outstanding in medicine, dentistry, and the sciences allied thereto, but except for the professions of medicine and dentistry, it shall not be mandatory that all such fields of endeavor be represented on the committee.

In the performance of their functions, the National Advisory Committee and the State and local volunteer advisory committees shall give appropriate consideration to the respective needs of the Armed Forces and of the civilian population for the services of medical, dental, and allied specialist personnel; and, in determining the medical, dental, and allied specialist personnel available to serve the needs of any community, such committees shall give appropriate consideration to the availability in such community of medical, dental, and allied specialist personnel who have attained the thirty-fifth anniversary of their birth.

It shall be the duty of the National Advisory Committee in conjunction with the State and local volunteer advisory committees to make determinations with respect to persons in residency training programs who shall be recommended for deferment for the purpose of completing such residency programs, and in making such determinations shall give appropriate consideration to the respective needs of the Armed Forces and the civilian population. The National Advisory Committee in conjunction with the State and local volunteer advisory committees are further authorized to make appropriate recommendations with respect to members of the faculties of medical, dental, veterinary, and allied specialists schools, schools of public health, and with respect to physicians, dentists and veterinarians engaged in essential laboratory and clinical research, having due regard to the respective needs of the Armed Forces and the civilian population.

(k) Reduction of periods of service; establishment of National Security Training Corps; composition; service; pay.

(1) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of international conditions, the President, upon recommendation of the Secretary of Defense, is authorized, by Executive order, which shall be uniform in its application to all persons inducted under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] but which may vary as to age groups, to provide for (A) decreasing periods of service under this title [said sections] but in no case to a lesser period of time than can be economically utilized, or (B) eliminating periods of service required under this title [said sections].

(2) Whenever the Congress shall by concurrent resolution declare—

(A) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be decreased to any period less than twenty-four months which may be designated in such resolution; or

(B) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be eliminated,

the period of active service in the Armed Forces of the age group or groups designated in any such resolution shall be so decreased or eliminated, as the case may be. Whenever the period of active service required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance

with the foregoing provisions of this section, all individuals then or thereafter liable for registration under this title [said sections] who on that date have not attained the nineteenth anniversary of the day of their birth and have not been inducted into the Armed Forces shall be liable, effective on such date, for induction into the National Security Training Corps as hereinafter established for initial military training for a period of six months.

(3), (4) Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 656.

(5) The Commission shall, subject to the direction of the President, exercise general supervision over the training of the National Security Training Corps, which training shall be basic military training. The Commission shall establish such policies and standards with respect to the conduct of the training of members of the National Security Training Corps as are necessary to carry out the purposes of this Act. The Commission shall make adequate provisions for the moral and spiritual welfare of members of the National Security Training Corps. The Secretary of Defense shall designate the military departments to carry out such training. Each military department so designated shall carry out such military training in accordance with the policies and standards of the Commission. The military department or departments so designated to carry out such military training shall, subject to the approval of the Secretary of Defense, and subject to the policies and standards established by the Commission, determine the type or types of basic military training to be given to members of the National Security Training Corps.

(6) Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 656.

(7) Not later than four months following confirmation of the members of the Commission, the Commission shall submit to the Congress legislative recommendations which shall include, but not be limited to—

(A) a broad outline for a program deemed by the Commission and approved by the Secretary of Defense to be appropriate to assure that the training carried out under the provisions of this Act shall be of a military nature, but nothing contained in this paragraph shall be construed to grant to the Commission the authority to prescribe the basic type or types of military training to be given members of the National Security Training Corps;

(B) measures for the personal safety, health, welfare and morals of members of the National Security Training Corps;

(C) a code of conduct, together with penalties for violation thereof;

(D) measures deemed necessary to implement the policies and standards established under the provisions of paragraph (5) of this subsection; and

(E) disability and death benefits and other benefits, and the obligations, duties, liabilities and responsibilities, to be granted to or imposed upon members of the National Security Training Corps.

All legislative recommendations submitted under this paragraph shall be referred to the Committees on Armed Services of the two Houses, and each of such committees shall, not later than the expiration of the first period of 45 calendar days of continuous sessions of the Congress, following the date on which the recommendations provided for in this paragraph are transmitted to the Congress, report thereon to its House: *Provided*, That any bill or resolution reported with respect to such recommendations shall be privileged and may be called up by any member of either House but shall be subject to amendment as if it were not so privileged.

(8) No person shall be inducted into the National Security Training Corps until after—

(A) a code of conduct, together with penalties for violation thereof, and measures providing for disability and death benefits have been enacted into law; and

(B) such other legislative recommendations as are provided for in paragraph (7) [of this subsection] shall have been considered and such recommendations or any portion thereof shall have been enacted with or without amendments into law; and

(C) the period of service required under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with paragraph (2) of this subsection.

(9) Six months following the commencement of induction of persons into the National Security Training Corps, and semiannually thereafter, the Commission shall submit to the Congress a comprehensive report describing in detail the operation of the National Security Training Corps, including the number of persons inducted therein, a list of camps and stations at which training is being conducted, a report on the number of deaths and injuries occurring during such training and the causes thereof, an estimate of the performance of the persons inducted therein, including an analysis of the disciplinary problems encountered during the preceding six months, the number of civilian employees of the Commission and the administrative costs of the Commission. Simultaneously, there shall be submitted to the Congress by the Secretary of Defense a report setting forth an estimate of the value of the training conducted during the preceding six months, the cost of the training program chargeable to the appropriations made to the Department of Defense, and the number of personnel of the Armed Forces directly engaged in the conduct of such training.

(10) Each person inducted into the National Security Training Corps shall be compensated at the monthly rate of $30: *Provided, however*, That each such person, having a dependent or dependents as such terms are defined in the Career Compensation Act of 1949, shall be entitled to receive a dependency allowance equal to the sum of the basic allowance for quarters provided for persons in pay grade E–1 by section 302 (f) of the Career Compensation Act of 1949 as amended by section 3 of the

Dependents' Assistance Act of 1950 [section 403(a) of Title 37] as may be extended or amended plus $40 so long as such person has in effect an allotment equal to the amount of such dependency allowance for the support of the dependent or dependents on whose account the allowance is claimed.

(11) No person inducted into the National Security Training Corps shall be assigned for training at an installation located on land outside the continental United States, except that residents of Territories and possessions of the United States may be trained in the Territory or possession from which they were inducted.

(*l*) Order to active duty of reserve components in medical, dental, or allied specialist categories; period; age limit; computation of period; opportunity to resign commission; volunteer service.

(1) The President may order to active duty (other than for training), as defined in section 101 (22) of title 10, United States Code, for a period of not more than twenty-four consecutive months, with or without his consent, any member of a reserve component of the Armed Forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and has not performed at least one year of active duty (other than for training). This subsection does not affect or limit the authority to order members of the reserve components to active duty contained in section 672 of title 10, United States Code.

(2) For the purposes of computation of the periods of active duty (other than for training) referred to in subsection (1), credit shall be given for all periods of one day or more performed under competent orders, except that no credit shall be allowed for periods spent in student programs prior to receipt of the appropriate professional degree or in intern training.

(3) Any person who is called or ordered to active duty (other than for training) from a reserve component of the Armed Forces of the United States after September 5, 1950, and thereafter serves on active duty (other than for training) as a medical, dental, or allied specialist for a period of twelve months or more shall, upon release from active duty or within six months thereafter, be afforded an opportunity to resign his commission from the reserve component of which he is a member unless he is otherwise obligated to serve on active military training and service in the Armed Forces or in training in a reserve component by law or contract.

(4) Any physician or dentist who meets the qualifications for a Reserve commission in the respective military department shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty (other than for training) of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a Reserve commission shall be ordered to active duty (other than for training) for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled. (June 24, 1948, ch. 625, title I, § 4, 62 Stat. 605; Sept. 9, 1950, ch. 939, § 1, 64 Stat. 826; Sept. 27, 1950, ch. 1059, §§ 1 (1)—(5), 3(a), 64 Stat. 1073; June 19, 1951, ch. 144, title I, § 1 (d—j), 65 Stat. 76; July 9, 1952, ch. 608, pt. VIII, § 813, 66 Stat. 509; June 29, 1953, ch. 158, §§ 1, 2, 6, 67 Stat. 86, 89; June 30, 1955, ch. 250, title II, § 202, 69 Stat. 225; Aug. 9, 1955, ch. 665, § 3(a), 69 Stat. 602; Aug. 10, 1956, ch. 1041, §§ 22 (a), (b), (c), 53, 70A Stat. 630, 641; June 27, 1957, Pub. L. 85-62, §§ 1—3, 71 Stat. 206; July 28, 1958, Pub. L. 85-564, 72 Stat. 424; Sept. 2, 1958, Pub. L. 85-861, §§ 9, 36A, 72 Stat. 1556, 1569; Sept. 7, 1962, Pub. L. 87-651, title III, §301, 76 Stat. 524; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 656; June 30, 1967, Pub. L. 90-40, § 1(2), 81 Stat. 100.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 24, 1948, ch. 625, 62 Stat. 604, as amended. Title I of the act, as amended, is classified to sections 451, 453, 454, 455, 456, and 458-471 of this Appendix, Title II of the act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

Date of enactment of the 1951 Amendments to the Universal Military Training and Service Act, referred to in subsecs. (a) sixth par., (c) (1) and (d) (1), (2), is June 19, 1951.

The effective period of this Act, referred to in subsec. (c)(2), is defined in section 467 of this Appendix.

Section 3 of the act of July 25, 1947 (Public Law 239, Eightieth Congress), referred to in subsec. (e), provided that the termination of the war and emergencies should be deemed to be July 25, 1947.

Act of March 7, 1942 (56 Stat. 143—148, ch. 166), as amended, referred to in subsec. (e), is classified to sections 1001—1012, 1013—1017 of this Appendix.

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-40, § 1(2)(a), added proviso that registrants failing or refusing to report for induction continue to remain liable for induction and to be immediately inducted when available.

Subsec. (g). Pub. L. 90-40, § 1(2)(b), added subsec. (g). A former subsec. (g), authorizing one year enlistments in the armed services by male persons between 18 and 19, was repealed by act June 19, 1951, ch. 144, § 1(h), 65 Stat. 80.

1966—Subsec. (k)(3), (4), (6). Pub. L. 89-554 repealed subsecs. (k)(3), (4) and (6), which established the National Security Training Commission, provided for its composition, tenure, pay and duties, and authorized appointment and pay of employees.

1962—Subsec. (d)(3). Pub. L. 87-651 eliminated provisions which required each person inducted into the National Security Training Corps to serve in the Armed Forces or the National Security Training Corps for a total of eight years, unless sooner discharged because of personal hardship, and requiring each person covered by this subsection who is not a reserve, and who is qualified, upon his release from training, to be transferred to a reserve component to complete the service required by this subsection.

1958—Subsec. (a). Pub. L. 85-564 added, at the end of the third paragraph, proviso authorizing President to modify standards fixed by preceding two provisos, except in war or national emergency.

Subsec. (d)(3). Pub. L. 85-861 repealed provisions that required persons inducted, enlisted, or appointed, in the Armed Forces to serve on active training and service in the Armed Forces and in a reserve component for a total of six years, and inserted provisions requiring transfer to reserve components of persons released from active training and service in the Armed Forces or from training in the National Security Training Corps and authorizing enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which a person served. See section 651 of Title 10, Armed Forces.

1957—Subsec. (a). Pub. L. 85-62, § 1, inserted next to last paragraph providing that no medical, dental, or allied specialist shall be inducted if he applies or applied for appointment as a Reserve officer in one of such categories and is rejected on the sole ground of physical disqualification.

Subsec. (j). Pub. L. 85-62, § 3, eliminated "as referred to in subsection (i)" following the words "categories of persons" at the end of the first sentence, and substituted "thirty-fifth" for "fifty-first" in the last sentence of the second par.

Subsec. (*l*). Pub. L. 85-62, § 2, added subsec. (*l*).

1956—Subsec. (a). Act Aug. 10, 1956, § 53, repealed provisions prohibiting assignment to duty outside the United States until the member of the Armed Forces has had the equivalent of four months of basic training, and relating to communications with Members of Congress, and are now covered by sections 671 and 1034 of Title 10, Armed Forces.

Subsec. (b). Act Aug. 10, 1956, § 22(a), authorized the Secretaries of the Army, Navy, Air Force, and Treasury, to provide by regulations for the release from training and service in the Armed Forces of those individuals who are accepted into organized units of the Army National Guard and Air National Guard and other reserve components.

Subsec. (d)(3). Act Aug. 10, 1956, § 22(b), provided that "Each person who is inducted into the National Security Training Corps shall serve in the armed forces or the National Security Training Corps for a total of eight years, unless he is sooner discharged because of personal hardship under regulations prescribed by the Secretary of Defense. Each person covered by this subsection who is not a Reserve, and who is qualified, shall, upon his release from training, be transferred to a reserve component of an armed force to complete the service required by this subsection."

Subsec. (f). Section 53 of act Aug. 10, 1956 purportedly repealed subsec. (f). However, section 22(c) of the act amended the subsection to clarify the authority to receive compensation. See also, section 1023 of Title 10, Armed Forces.

1955—Subsec. (d)(3). Act Aug. 9, 1955, provided for a six-year term of duty for persons who are inducted, enlisted, or appointed after Aug. 9, 1955.

Subsec. (i)(1). Act June 30, 1955, exempted from service persons who attained their thirty-fifth anniversary of their date of birth and who were rejected for service on the ground of physical disqualification, and to reduce the maximum age of liability of induction from 51 to 46 years of age.

1953—Subsec. (i), par. (2). Act June 29, 1953, § 6, in clause "First" struck out "subsequent to the completion of or release from the program or course of instruction" following "Public Health Service"; and, in clause "Second", substituted "seventeen months" for "twenty-one months", and struck out "subsequent to the completion of or release from the program or course of instruction" following "Public Health Service".

Subsec. (i), pars. (4)—(7). Act June 29, 1953, § 1, added subsec. (i), pars. (4)—(7).

Subsec. (j). Act June 29, 1953, § 2, added third par.

1952—Subsec. (d)(3). Act July 9, 1952, substituted "appointed under any * * * reserve components thereof," for "appointed in the Armed Forces".

1951—Subsec. (a). Act June 19, 1951, § 1(d) lowered the age limit from 19 years to 18½, provided for training in the National Security Training Corps, lowered the physical and mental standards, provided for a basic training period, and allowed communication with Members of Congress.

Subsec. (b). Act June 19, 1951, § 1(e) increased length of service from 21 to 24 months.

Subsec. (c). Act June 19, 1951, § 1(f) eliminated the short-term Army enlistment period and the General Classification Test, and established the age for voluntary induction.

Subsec. (d). Act June 19, 1951, § 1(g) inserted "and prior to * * * and Service Act" following "hereafter" in pars. (1) and (2), and added par. (3).

Subsec. (e). Act June 19, 1951, § 1(i) inserted "6g" following "sections" in par. (1), and extended period of service from 21 to 24 months.

Subsec. (g). Act June 19, 1951, § 1(h), repealed subsec. (g), which related to enlistments in armed service for one year by male persons between 18 and 19 years.

Subsec. (h). Act June 19, 1951, § 1(h), repealed subsec. (h), which related to permanent assignment outside continental United States.

Subsec. (k). Act June 19, 1951, § 1(j), added subsec. (k).

1950—Subsec. (a). Act Sept. 27, 1950, § 1 (1—4), inserted before the period in the third sentence of the first par. the phrase "and such number * * * United States Coast Guard", inserted before the period in the second par. the phrase "or the Secretary of the Treasury", inserted after "the Secretary of Defense" in the third par. the phrase "or the Secretary of the Treasury", inserted after "United States Marine Corps" in the fourth par. the phrase "or the United States Coast Guard".

Subsec. (b). Act Sept. 27, 1950, § 1(5), inserted before the period the phrase, "or the Secretary of the Treasury".

Subsec. (c). Act Sept. 27, 1950, § 3(a), added par. (4).

Subsecs. (i) and (j). Act Sept. 9, 1950, added subsecs. (i) and (j).

Effective and Termination Dates of 1957 Amendments

Section 9 of Pub. L. 85-62 as amended by Pub. L. 86-4, § 4, Mar. 23, 1959, 73 Stat. 13; Pub. L. 88-2, § 4, Mar. 28, 1963, 77 Stat. 4; Pub. L. 90-40, § 4, June 30, 1967, 81 Stat. 105, provided that: "This Act [amending this section and sections 455 and 456 of this Appendix, and notes set out under this section and section 454a of this Appendix, and notes set out under section 171a of former Title 5, Executive Departments and Government Officers and Employees, and section 234b of former Title 37, Pay and Allowances] takes effect July 1, 1957, and shall terminate on July 1, 1971."

Effective Date of 1952 Amendment

Section 813 of act July 9, 1952, provided in part that the amendment of this section should be effective as of June 19, 1951.

Repeal of Prior Acts Continuing Section

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

Termination Date of Subsecs. (I) and (J)

Section 7 of act Sept. 9, 1950, as amended by acts June 19, 1951, § 2 (b); June 29, 1953, § 9; and June 30, 1955, § 201, and by Pub. L. 85-62, § 8, provided that subsecs. (i) and (j) of this section, which were added by act Sept. 9, 1950, shall terminate as of June 30, 1957. Subsec. (i) was amended by acts June 29, 1953, and June 30, 1955, as explained in notes above. See Effective and Termination Dates of 1957 Amendment note above with respect to subsec. (j) as reenacted and amended by Pub. L. 85-62.

Short Title

Act Sept. 9, 1950, which added subsecs. (i) and (j) to this section, popularly known as "Doctors Draft Act", see note under section 454a of this Appendix.

Delegation of Authority to Secretary of Defense

Authority vested in President by subsec. (*l*)(1) of this section delegated to Secretary of Defense, see section 1(a) of Ex. Ord. No. 10762, set out as a note under section 454a of this Appendix.

National Security Training Commission

The National Security Training Commission expired June 30, 1957, pursuant to letter of the President on Mar. 25, 1957, following Commission's own recommendation for its termination.

Transfer of Functions

Secretary of Transportation has been substituted for Secretary of the Treasury pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and transferred all functions, powers, and duties, relating to the Coast Guard, of the Secretary of

the Treasury and of other offices and officers of the Department of the Treasury to the Secretary of Transportation. See section 1655(b)(1) of Title 49, Transportation. Section 1655(b)(2) of Title 49, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in this section.

CROSS REFERENCES

Appointment as officer of armed force instead of transfer to reserve component, see section 595 of Title 10, Armed Forces.

Enlistment in armed force instead of transfer to reserve component, see section 512 of Title 10.

Individual ineligible to citizenship, see section 1101(a)(19) of Title 8, Aliens and Nationality.

Military Justice Code, inductees as subject to, see section 802 of Title 10, Armed Forces.

Residents who have not declared their intention to become citizens, liability for training and service, see section 456 of this Appendix.

Reserve officers on active duty with or without consent, see sections 302 and 303 of Title 37, Pay and Allowances of the Uniformed Services.

EX. ORD. NO. 10164. EXTENSION OF COAST GUARD ENLISTMENTS

Ex. Ord. No. 10164, Sept. 27, 1950, 15 F. R. 6570, provided for extension for a period of twelve months of all enlistments in the United States Coast Guard, including the Coast Guard Reserve, which would have expired at any time after Sept. 27, 1950, and prior to July 9, 1951.

EXECUTIVE ORDER NO. 10166

Ex. Ord. No. 10166, Oct. 4, 1950, 15 F.R. 6777, as amended by Ex. Ord. No. 10185, Dec. 1, 1950, 15 F.R. 8557, which established the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists, was revoked by Ex. Ord. No. 11415, June 24, 1968, 33 F.R. 9329, set out as a note under this section.

EX. ORD. NO. 10776. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10776, July 28, 1958, 23 F.R. 5683, provided:

By virtue of the authority vested in me by title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4 (a) of the Universal Military Training and Service Act [subsection (a) of this section], added by the act of July 28, 1958 [Pub. L. 85-564]. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

DWIGHT D. EISENHOWER

EX. ORD. NO. 11415. RECONSTITUTING THE NATIONAL ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS, AND ALLIED SPECIALISTS AND THE NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Ex. Ord. No. 11415, June 24, 1968, 33 F.R. 9329, provided:

WHEREAS the Health Resources Advisory Committee was established on August 5, 1950, at the direction of the President, and has been in operation continuously since that date; and

WHEREAS, in conformity with section 4(j) of the Selective Service Act of 1948, as amended (now the Military Selective Service Act of 1967) [subsec. (j) of this section], the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists was established by Executive Order No. 10166 of October 4, 1950, as amended; and

WHEREAS, in view of the similarity of the health manpower advisory functions of the two committees, the members of the Health Resources Advisory Committee were also designated as members of the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; and

WHEREAS that common membership was designed to avoid any duplication of functions and to minimize the opportunity for conflicting Federal policies or competing requirements with respect to the use of health manpower; and

WHEREAS that common membership arrangement was discontinued in 1961 and the two committees have had separate memberships since that time: and

WHEREAS, on the basis of experience under both arrangements, it has been determined that the purposes of the two committees can be better accomplished and the public interest would be better served if they share a common membership:

NOW, THEREFORE, by virtue of the authority vested in me by section 303 of the National Security Act of 1947, as amended [section 405 of Title 50, War and National Defense], and section 4(j) of the Military Selective Service Act of 1967 [subsec. (j) of this section], it is ordered as follows:

SECTION 1. (a) There is hereby established the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists, which shall be composed of such members as may be appointed by the President pursuant to section 3 of this order.

(b) The Committee shall perform the functions prescribed by section 4(j) of the Military Selective Service Act of 1967 [subsec. (j) of this section], as amended.

SEC. 2. (a) There is hereby established the National Health Resources Advisory Committee, which shall be composed of such members as may be appointed by the President pursuant to section 3 of this order.

(b) The Committee shall advise the Director of the Office of Emergency Planning concerning the allocation, utilization, and administration of health resources, including manpower, material, and facilities under various mobilization situations and on problems of the nongovernmental health community relating to emergency preparedness. In carrying out these advisory functions, the Committee shall provide advice to the Director concerning, among other things, improved utilization and conservation of health manpower, health manpower data collection and interchange systems, the impact of warlike emergencies on the health industry and health services, the national medical emergency stockpile programs, and the vulnerability of the health industry.

SEC. 3. The Committees established by this order shall have a common membership consisting of twelve members to be appointed by the President from private life. The President shall designate one of those members to serve as chairman of both Committees. Such members shall, in conformity with section 4(j) of the Military Selective Service Act of 1967, as amended [subsec. (j) of this section], be selected from among individuals who are outstanding in medicine, dentistry, and the sciences allied thereto.

SEC. 4. (a) In carrying out their functions, the Committees shall, as appropriate, consult with the Director of Selective Service and such other officials and agencies as may be appropriate, including the Secretary of Defense and officials of the Departments of the Army, Navy, and Air Force, the Department of Labor, the Department of Health, Education, and Welfare, and the Office of Emergency Planning. The Director of Selective Service and the Director of the Office of Emergency Planning shall designate representatives from the Selective Service System and the Office of Emergency Planning, respectively, who shall attend all meetings of these Committees.

(b) All executive departments and agencies shall cooperate with the Committees established by this order, and furnish them such available information as the Committees may need for the accomplishment of their functions.

SEC. 5. The Selective Service System and the Office of Emergency Planning shall, under such arrangements as may be mutually agreed upon, provide administrative and staff support and defray the necessary expenses of the Committees established by this order, including the compensation of members thereof within the limits of applicable law. The Selective Service System shall, within the limits of applicable law, defray the necessary expenses

of those State and local Committees which may, in conformity with section 4(j) of the Military Selective Service Act of 1967, as amended [subsec. (j) of this section], be designated by the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

SEC. 6. In order to permit the establishment of a single membership for the two Committees, the appointment of present members of the two Committees shall expire as of the date of this order. Executive Order No. 10166 and Executive Order No. 10185 are hereby revoked.

LYNDON B. JOHNSON

PROC. NO. 2906. REGISTRATION OF DOCTORS, DENTISTS AND ALLIED SPECIALISTS

Proc. No. 2906, Oct. 6, 1950, 15 F. R. 6845, 64 Stat. Pt. 2, p. A437, as amended Proc. No. 2915, Dec. 28, 1950, 15 F. R. 9419, 64 Stat. Pt. 2, p. A455, provided:

1. Every male person who participated as a student in the Army specialized training program or any similar program administered by the Navy, or was deferred from service during World War II for the purpose of pursuing a course of instruction leading to education in a medical, dental, or allied specialist category, and has had less than twenty-one months of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to the completion of, or release from, such program or course of instruction (exclusive of time spent in postgraduate training), and who, on the day or any of the days hereinafter fixed for his registration (a) shall have received from any school, college, university, or similar institution of learning, one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

2. The special registration of the male persons required to submit to registration by paragraph numbered 1 hereof shall take place in the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands between the hours of 8:00 a. m. and 5:00 p. m. on the day or days hereinafter designated for their registration, as follows:

(a) Persons who shall have received any of the degrees above referred to on or before October 16, 1950, shall be registered on Monday, the 16th day of October, 1950.

(b) Persons who receive any of the degrees above referred to after October 16, 1950, shall be registered on the day they receive any such degree, or within five days thereafter.

(c) Persons who shall have received any of the degrees above referred to and who enter any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands after October 16, 1950, shall be registered on the day of such entrance, or within five days thereafter.

3. Every male person who has not had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, and every male person not included in the first or the second of the priorities defined in section 4 (i) (2) of the Selective Service Act of 1948, as amended [subsection (i) (2) of this section], who has had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, who on the day or any of the days hereafter fixed by the Director of Selective Service for his registration (a) shall have received from a school, college, university, or similar institution of learning one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

4. The Director of Selective Service is hereby authorized and directed to fix the date or dates for the special registration required under paragraph numbered 3 hereof: *Provided,* that the date or dates so fixed shall be not later than January 16, 1951.

5. The Director of Selective Service is hereby authorized to require special registration of, and fix the date or dates of registration for, all other persons who are subject to registration under section 4 (i) of the Selective Service Act of 1948, as amended [subsection (i) of this section], and who are not required to register under or pursuant to this proclamation.

6. All orders and directives of the Director of Selective Service issued pursuant to paragraph numbered 4 or paragraph numbered 5 hereof shall be published in the Federal Register.

7. (a) A person subject to registration under or pursuant to this proclamation who, because of circumstances beyond his control, is unable to present himself for and submit to registration during the hours of the day or any of the days fixed for registration shall do so as soon as possible after the cause for such inability ceases to exist.

(b) Every person subject to registration under or pursuant to this proclamation who has registered in accordance with Proclamation No. 2799 of July 20, 1948 [set out as a note under section 453 of this Appendix], issued under the Selective Service Act of 1948, as amended, [sections 451, 453, 454, 455, 456 and 458—471 of this Appendix], and the regulations prescribed thereunder, shall, notwithstanding such registration, present himself for and submit to registration as required by or pursuant to this proclamation.

(c) The duty of any person to present himself for and submit to registration in accordance with Proclamation No. 2799 of July 20, 1948, issued under the Selective Service Act of 1948, as amended [sections 451, 453, 454, 455, 456 and 458—471 of this Appendix], and the regulations prescribed thereunder, shall not be affected by this proclamation.

8. Every person subject to registration under or pursuant to this proclamation is required to familiarize himself with the rules and regulations governing such registration and to comply therewith.

9. I call upon the Governors of each of the several States, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of title I of the Selective Service Act of 1948, as amended, [sections 451, 453, 454, 455, 456 and 458—471 of this Appendix], or the regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

10. In order that there may be full cooperation in carrying into effect the purposes of section 4 (i) of title I of the Selective Service Act of 1948, as amended [subsection (i) of this section], I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act [sections 451, 453, 454, 455, 456 and 458—471 of this Appendix] and under or pursuant to this proclamation.

PROC. NO. 2915. EXEMPTIONS FROM REGISTRATION

Proc. No. 2915, Dec. 28, 1950, 15 F. R. 9419, 64 Stat. 494, provided:

Proclamation No. 2906 of October 6, 1950 [set out as a note under this section], be, and it is hereby, amended, effective as of October 6, 1950, so as to exempt from the force and effect thereof, until otherwise directed by the President by proclamation, (1) commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service, and (2) aliens who are residing in the United States and have not declared their intention of becoming citizens of the United States and who are also in one of the following categories: (a) alien students admitted under subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended [former section 204 of Title 8], (b) aliens recognized as diplomatic, consular, military or civilian officials or employees of a foreign government and members of their families, (c) aliens who are officials or employees of a public international organization recognized under the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669) [sections 288—288f of Title 22], and members of their families, (d) aliens who have entered the United States and remain therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, as approved in Public Law 357, 80th Congress (61 Stat. 756) [set out as a note under section 287 of Title 22], (e) aliens who are nationals of a country with which there is in effect a treaty or international agreement exempting its nationals from military service while they are within the United States, or (f) other aliens whose admission to the United States is for a temporary stay only: *Provided*, that such exemption shall not continue after the cause thereof shall cease to exist.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 455, 456, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§§ 454a to 454c. Omitted

CODIFICATION

Section 451a. Acts Sept. 9, 1950, ch. 939, § 4, 64 Stat. 828; June 29, 1953, ch. 158, § 3, 67 Stat. 88; June 18, 1954, ch. 307, 68 Stat. 254; June 30, 1955, ch. 250 title II, § 201, 69 Stat. 224, provided for the promotion of physicians, dentists, and allied specialist categories, the period of service, and the discharge and resignation of such personnel, and is now covered by sections 451(1)(3) and 455(c) of this Appendix.

Section 454b, act Sept. 9, 1950, ch. 939, § 6, 64 Stat. 828, defined the term "allied specialist categories" as used in sections 454(i) and 454a of this Appendix which expired on June 30, 1957.

Section 454c, act June 29, 1953, ch. 158, § 4, 67 Stat. 88, which provided for the release, discharge, or resignation of special registrants who made application therefor on or before the 90th day after June 29, 1953, is eliminated as executed.

TERMINATION DATE

Section 7 of Act Sept. 9, 1950, as amended by acts June 19, 1951, ch. 144, title I, § 2(b), 65 Stat. 88; June 29, 1953, § 9; and June 30, 1955, § 201 and by Pub. L. 85-62, § 8, June 27, 1957, 71 Stat. 208, provided that sections 454(i), 454a, and 454b of this Appendix shall terminate as of June 30, 1957.

§ 454d. Extension of reserve commissions of doctors, dentists, and other special registrants.

Persons in medical, dental, and allied specialist categories ordered to active duty under the provisions of the Universal Military Training and Service Act, as amended [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], or under this amendatory Act, who hold a commission in a reserve component of the Armed Forces, or in the Army of the United States without component or Air Force of the United States without component which by operation of law would expire before the end of the period of active duty which they may be required to serve under the provisions of the Act of September 9, 1950, as amended [sections 454 (i), (j), 454a and 454b of this Appendix], may be retained on active duty until they have completed such period of duty and such commissions shall be deemed to be continued in effect until the date of their release from active duty. (June 29, 1953, ch. 158, § 5, 67 Stat. 89.)

REFERENCES IN TEXT

Words "this amendatory Act", contained in the text, refer to act June 29, 1953, which, in addition to enacting this section and sections 454c and 454e of this title, amended sections 454 (i), (j) and 454a of this title and section 234 of former Title 37, Pay and Allowances (now sections 302 and 303 of Title 37, Pay and Allowances of the Uniformed Services), and amended section 7 of act Sept. 9, 1950, ch. 939, 64 Stat. 828, set out as a note under sections 454 and 454a of this title.

CODIFICATION

Section was not enacted as a part of the Universal Military Training and Service Act, which comprises sections 451, 453, 454, 455, 456 and 458—471 of this Appendix.

§ 454e. Volunteer service of physicians and dentists; minimum period.

Any physician or dentist who meets the qualifications for a reserve commission in the respective military departments shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a reserve commission shall be ordered to active duty for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled under the provisions of the Act of September 9, 1950, as amended [sections 454 (i), (j), 454a and 454b of this Appendix]. (June 29, 1953, ch. 158, § 7, 67 Stat. 89.)

CODIFICATION

Section was not enacted as a part of the Universal Military Training and Service Act, which comprises sections 451, 453, 454, 455, 456 and 458—471 of this Appendix.

§ 455. Manner of selection of men for training and service; quotas; appointment, reappointment, or promotion of persons in medical categories.

(a) (1) The selection of persons for training and service under section 4 [section 454 of this Appendix] shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided*, That in the selection of persons for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], and in the interpretation and execution of the provisions of this title [said sections], there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular

registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations: *Provided further,* That nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from providing for the selection or induction of persons by age group or groups or from providing for the selection or induction of persons qualified in needed medical, dental, or allied specialist categories pursuant to requisitions submitted by the Secretary of Defense: *And provided further,* That, notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title [section 454 of this Appendix], shall be held to be ineligible for appointment as a commissioned officer of an Armed Force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1757 of the Revised Statutes, as amended (5 U.S.C. 16), take such oath of service and obedience as the Secretary of Defense may prescribe: *And provided further,* That—

(1) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen unless there is not within the jurisdiction of such local board a sufficient number of persons who are deemed by such local board to be available for induction and who have attained the age of nineteen to enable such local board to meet a call for men which it has been ordered to furnish for induction; and

(2) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen, if there is any person within the jurisdiction of such local board who (i) is as much as ninety days older, (ii) has not attained the age of nineteen, and (iii) is deemed by the local board to be available for induction.

(2) Repealed. Pub. L. 91–124, § 2, Nov. 26, 1969, 83 Stat. 220.

(b) Quotas of men to be inducted for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

(c) Notwithstanding any other provision of law, any qualified person who—

(1) is liable for induction; or

(2) as a member of a Reserve component is ordered to active duty,

as a physician, or dentist, or in an allied specialist category in the Armed Forces of the United States, shall, under regulations prescribed by the President, be appointed, reappointed, or promoted to such grade or rank as may be commensurate with his professional education, experience, or ability: *Provided,* That any person in a needed medical, dental, or allied specialist category who fails to qualify for, or who does not accept, a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade. (June 24, 1948, ch. 625, title I, § 5, 52 Stat. 608; June 19, 1951, ch. 144, title I, § 1 (k), 65 Stat. 83; June 27, 1957, Pub. L. 85–62, §§ 4, 5, 71 Stat. 207; June 30, 1967, Pub. L. 90–40, § 1(3), 81 Stat. 100; Nov. 26, 1969, Pub. L. 91–124, § 2, 83 Stat. 220.)

AMENDMENTS

1969—Subsec. (a). Pub. L. 91–124 repealed cl. (2), which prohibited the President from effecting any change in the method of determining the relative order of induction.

1967—Subsec. (a). Pub. L. 90–40 designated existing provisions as par. (1) and added par. (2).

1957—Subsec. (a). Pub. L. 62, § 4, substituted third and fourth provisos for former third proviso "that nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the president:".

Subsec. (c). Pub. L. 85–62, § 5, added subsec. (c).

1951—Subsec. (a). Act June 19, 1951, added last proviso.

EFFECTIVE AND TERMINATION DATE OF 1957 AMENDMENTS

Pub. L. 85–62 effective July 1, 1957, and to terminate July 1, 1967, see note set out under section 454 of this Appendix.

SHORT TITLE OF 1969 AMENDMENT

Section 1 of Pub. L. 91–124 provided: "That this Act [which amended this section] may be cited as the 'Selective Service Amendment Act of 1969'."

PROC. NO. 3945. RANDOM SELECTION FOR MILITARY SERVICE

Proc. No. 3945, Nov. 28, 1969, 34 FR 19017, provided:

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)), provides that selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS section 5(a)(2) of that Act (50 U.S.C. App. 455(a)(2)) limited the President's authority to prescribe

rules and regulations by requiring, in effect, the selection of registrants through a method known as "oldest first"; and

WHEREAS such section 5(a)(2) has been repealed by Public Law 91–124 of November 26, 1969:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(a) of the Military Selective Service Act of 1967, as amended, and having determined that a method of random selection will provide the most equitable basis for selection of registrants for military training and service, do hereby proclaim the following:

That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on December 1, 1969, and will be applied nationwide. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. The drawing, commencing with the first day selected and continuing until all 366 days are drawn, shall be accomplished impartially.

On the day designated above, a supplemental drawing or drawings will be conducted to determine alphabetically the random selection sequence by name among registrants who have the same birthday.

The random selection sequence obtained as described above shall determine the order of selection of registrants who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth and who are not volunteers and not delinquents. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970.

The random sequence number determind for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 456. Deferments and exemptions from training and service.

(a)(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix], except that aliens admitted for permanent residence in the United States shall not be so exempted. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than eighteen months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided,* That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such eighteen-month period: *Provided further,* That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, the Environmental Protection Agency, or the Environmental Science Services Administration, shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix]. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph [June 30, 1967], had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix].

(b)(1) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(2) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948], if—

(A) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(B) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom paragraph (1) of this subsection is applicable.

(3) Except as provided in section 4(i) of this Act [section 454(i) of this Appendix], and notwithstanding any other provision of this Act, no person who (A) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (B) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (C) has served for a period of not less than twenty-four months (i) as a commissioned officer in the Public Health Service or (ii) as a commissioned officer in the Coast and Geodetic Survey, shall be liable for induction for training and service under this Act [said sections], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(4) No person who is honorably discharged upon the completion of an enlistment pursuant to section 4(c) or section 4(g) [section 454(c) or former section 454(g) of this Appendix] shall be liable for induction for training and service under this title except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(5) For the purposes of computation of the periods of active duty referred to in paragraphs (1), (2), or (3) of this subsection, no credit shall be allowed for—

(A) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(B) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(C) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies; or

(D) periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (B) or (C) [of this subsection];

(E) periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

(c) (1) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], but shall not be exempt from registration unless on active duty.

(2) (A) Any person, other than a person referred to in subsection (d) of this section, who—

(i) prior to the issuance of orders for him to report for induction; or

(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title [sections 451 to 454 and 455 to 471 of this Appendix]; or

(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction, under this

title [sections 451, 453, 454, 455 and 458 to 471 of this Appendix];

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title [sections 451 to 454 and 455 to 471 of this Appendix] so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this cause may be accepted notwithstanding the provisions of section 15(d) of this title [section 465(d) of this Appendix]. Notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(B) A person who, under any provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(C) Except as provided in subsection (b) [of this section] and the provisions of this subsection, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(D) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511 (b) of Title 10, the Army National Guard, or the Air National Guard, prior to attaining age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87–378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended [former section 1013 of Title 50], who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

(d) (1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of the Treasury with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 4 (d) (3) of this Act [section 454 (d) (3) of this Appendix], or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 4 (d) (3) of this Act [section 454 (d) (3) of this Appendix], shall be deferred from induction under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such programs to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of the Treasury with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5),

upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2) In addition to the training programs, enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of the Treasury are authorized to establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an Officers' Candidate School of such Armed Force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory servcie as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(4) It is the sense of the Congress that the President shall provide for the annual deferment from training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] of the numbers of optometry students and premedical, preosteopathic, preveterinary, preoptometry, and predental students at least equal to the numbers of male optometry, premedical, preosteopathic, preveterinary, preoptometry, and predental students at colleges and universities in the United States at the present levels as determined by the Director herein.

(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the Coast and Geodetic Survey instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the Coast and Geodetic Survey for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the Coast and Geodetic Survey. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the Coast and Geodetic Survey, equals two years.

(e) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months, from induction for training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] but shall not be exempt from registration.

(f) The Vice President of the United States; the governors of the several States, Territories, and possessions, and all other officials chosen by the voters of the entire State, Territory, or possession; members of the legislative bodies of the United States and of the several States, Territories, and possessions; judges of the courts of record of the United States and of the several States, Territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] in the armed forces of the United States.

(g) Regular or duly ordained ministers of religion, as defined in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], and students preparing for the ministry under the direction of recognized churches or religious organizations, who

are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be exempt from training and service (but not from registration) under this title [said sections].

(h) (1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term "prime age group" means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

(2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided,* That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further,* That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act [section 454(a) of this Appendix] until the thirty-fifth anniversary of the date of their birth. This proviso shall not be contrued to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title [section 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], recommend criteria for the classification of persons subject to induction under this title [said sections], and to the extent that such action is determined by the President to be consistent with the national interest, recommended that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be

necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.

(i) (1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the local board, be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: *Provided,* That any person who has heretofore had his induction postponed under the provisions of section 6(i)(2) of the Selective Service Act of 1948 [former subsection (i)(2) of this section]; or any person who has heretofore been deferred as a student under section 6(h) of such Act [former subsection (h) of this section]; or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of subsection (h) of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service in the Armed Forces or training in the National Security Training Corps of any category or categories of students for such periods of time as he may deem appropriate.

(j) Nothing contained in this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) [section 454(b) of this Appendix] such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title [section 462 of this Appendix], to have knowingly failed or neglected to perform a duty required of him under this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix].

(k) No exception from registration, or exemption or deferment from training and service, under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], shall continue after the cause therefor ceases to exist.

(*l*) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the armed forces of the United States while this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] is in effect because such person entered such service without the consent of his parent or guardian.

(m) No person shall be relieved from training and service under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

(n) In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment made under subsection (h) of this section may, within five days after such deferment is made, be submitted for review and decision to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public.

(*o*) Except during the period of a war or a national emergency declared by the Congress after the date of the enactment of the 1964 amendment to this subsection [July 7, 1964], where the father or one or more sons or daughters of a family were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] unless he volunteers for induction. (June 24, 1948, ch. 265, title I, § 6, 62 Stat. 609; Sept. 27, 1950, ch. 1059, § 1(6), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1 (*l*—q), 65 Stat. 83; June 30, 1955, ch. 250, title I, § 101, 69 Stat. 223; Aug. 9, 1955, ch. 665, § 3 (b)—(d), 69 Stat. 603; June 27, 1957, Pub. L. 85–62, §§ 6, 7, 71 Stat. 208; Aug. 21, 1958, Pub. L. 85–722, 72 Stat. 711; Oct. 4, 1961, Pub. L. 87–378, § 1, 75 Stat. 807;

July 18, 1962, Pub. L. 87-536, 76 Stat. 167; Sept. 3, 1963, Pub. L. 88-110, § 2, 77 Stat. 134; July 7, 1964, Pub. L. 88-360, 78 Stat. 296; June 30, 1967, Pub. L. 90-40, § 1(4)-(7), 81 Stat. 100-102, 104; Dec. 31, 1970, Pub. L. 91-604, § 15(b)(8)(B), 84 Stat. 1712.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(3), (c)(2)(B), (C), (D), (d)(1), (2), and (h)(2), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended. Title I of the Act, as amended, is classified to sections 451, 453, 454, 455, 456, and 458-471 of this Appendix. Title II of the Act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

Section 4(g), referred to in subsec. (b)(4) and formerly classified as section 454(g) of this Appendix, was repealed by act June 19, 1951, § 1(h).

The act of August 13, 1946 (60 Stat. 1057), as amended, referred to in subsec. (d)(1), was classified to sections 61, 405a, 821, 1020—1020*l*, 1032, 1039, and 1040 of former Title 34, Navy. See sections 2104, 2106, 2110, 5504, 5575, 6023, 6392, 6909, 6954, 6956 and 6958 of Title 10, Armed Forces.

AMENDMENTS

1970—Subsec. (b)(2). Pub. L. 91-604 inserted "the Environmental Protection Agency," after "Department of Justice,".

1967—Subsec. (a). Pub. L. 90-40, § 1(5), designated existing provisions as par. (1), added par. (2), and, in par. (1) as redesignated, substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey", removed commissioned officers, warrant officers, pay clerks, enlisted men, aviation cadets, and, while on active duty, members of the reserve component, of the Public Health Service from the list of enumerated personnel relieved from the registration requirement of section 453 and the training and service requirement of section 454, added cadets, United States Air Force Academy, to such list, and added proviso that a person in a medical, dental, or allied specialist category not otherwise deferred or exempted under subsec. (a) be liable for registration, training, and service until the thirty-fifth anniversary of the date of his birth.

Subsec. (c)(2)(A). Pub. L. 90-40, § 1(4), gave standby authority to both the Governors of the individual states, in the case of the National Guard, and to the President, in the case of the other reserve components, to permit the voluntary enlistment of registrants into these components during the period following their receipt of an induction notice and the date required for their actual induction, provided that there had previously issued a proclamation that the Governor or the President is not otherwise able to maintain the personnel strengths of the respective components.

Subsec. (h). Pub. L. 90-40, § 1(6), established uniform criteria for all undergraduate deferments to continue only until a registrant receives a baccalaureate degree, fails to pursue a full-time course of instruction satisfactorily, or reaches the age of 24, whichever occurs first, at which point students are required to be exposed to the hazards of induction in the prime age group in the same manner as their contemporaries who had not been provided student deferments, continued the President's wide latitude in providing deferments for graduate students in medicine, dentistry, or other subjects deemed essential to the national health, safety, or interest, continued the President's authority to prescribe areas of deferment based upon occupations or professions essential to the national interest, and called for greater uniformity in the administration of classification criteria for persons subject to induction.

Subsec. (j). Pub. L. 90-40, § 1(7), struck out provision that religious training and belief stem from the individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relationship, and eliminated the requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status.

1964—Subsec. (*o*). Pub L. 88-360 exempted sole surviving sons from induction in cases where the father was killed in action or in line of duty, permitted the sole surviving son to volunteer for induction, and terminated the exemption during time of war or national emergency thereafter declared by Congress.

1963—Subsec. (c)(2). Pub. L. 88-110, among other changes, authorized deferment of persons who prior to attaining age 26 and to the issuance of induction orders enlisted or accepted appointment in the Ready Reserve of any reserve component, Army National Guard, or Air National Guard, and served satisfactorily, exempted such persons from induction after completing 6 years service and who during such service performed active duty for training for not less than 4 consecutive months, and eliminated provisions which deferred persons who prior to attaining 18 years and 6 months of age, and prior to issuance of induction orders, enlisted or accepted appointment in any organized unit of the National Guard, exempted such persons from training and service by reason of subsec. (h) of this section after they attained age 28, or who completed 8 years of service in such unit and performed active duty for training for not less than 3 consecutive months, authorized the President to accept enlistments in the Ready Reserve, whenever he determined its strength could not be maintained at a necessary level for defense, of persons who had not attained age 18 years and 6 months, and who had not been ordered to report for induction, and exempted such persons from liability under subsec. (h) of this section after attaining age 28 years, permitted volunteers to perform a period of active duty pursuant to former section 1013 of Title 50, and exempted such persons from induction after serving 8 years in the Ready Reserve.

1962—Subsec. (d). Pub. L. 87-536 inserted "Except as provided in paragraph (5)," preceding "upon the successful completion by any person", and added par. (5).

1961—Subsec. (c)(2). Pub. L. 87-378, § 1(1), included members of the National Guard deferred by clause (A) of this paragraph, or any person enlisted or appointed in the Ready Reserve of any reserve component other than under section 511(b) of this title, the Army National Guard or the Air National Guard after Oct. 4, 1961, but prior to attaining age 26, who fail to serve satisfactorily as a member of their components within clause (E) of this paragraph, and deleted "or appointed" which followed "may provide that any person enlisted."

Subsec. (d)(1). Pub. L. 87-378, § 1(2), substituted "If, at the time of, or subsequent to, such appointment" for "If, at the time of such appointment", changed the period of active duty for training in grade, where the armed force in which such person is commissioned does not require his service on active duty, from 6 months to a period of not less than 3 months or more than 6 months, not including duty performed under section 270(a) of Title 10, Armed Forces, as is determined to qualify such person for a mobilization assignment, and substituted the requirement that upon being commissioned and assigned to a reserve component, such person must serve therein, or in a reserve component of any other armed force in which he is later appointed, for provisions which required such person to be returned to inactive duty and assigned to an appropriate reserve unit upon completion of the required period of active duty for training

1958—Subsec. (c)(2)(F). Pub. L. 85-722 added subsec. (c)(2)(F).

1957—Subsec. (b)(5)(E). Pub. L. 85-62, § 6, added subsec. (b)(5)(E).

Subsec. (d)(4). Pub. L. 85-62, § 7, added subsec. (d)(4).

1955—Subsec. (a). Act June 30, 1955, § 101(a), exempted from training and service, but not from registration, those persons who served on active duty for not less than 18 months since June 24, 1948 in the armed forces of a nation with which the United States is associated in mutual defense activities.

Subsec. (b)(3). Act June 30, 1955, § 101(b), exempted individuals who have served not less than one year after September 16, 1940, or who were discharged after such date for the convenience of the Government and had served not less than six months, or who served not less than twenty-four months in the Public Health Service or in the Coast and Geodetic Survey.

Subsec. (c)(2). Act Aug. 9, 1955, § 3(b), exempted from induction persons who have completed eight years of satisfactory service as members of an organized unit of the National Guard, with a minimum of not less than three consecutive months of active duty for training, and to add clauses (C), (D), and (E).

Subsec. (c)(2)(A). Act June 30, 1955, § 101(c), inserted provisions to exempt persons from liability for induction after attaining age 28.

Subsec. (d)(1). Act Aug. 9, 1955, § 3(c), deferred from induction any person who agrees to remain a member of a regular or reserve component until the sixth anniversary of the receipt of a commission, provided that all qualified graduates must be tendered a commission in the appropriate reserve component, and permitted active duty for training for a period of six months upon completion of which he must serve in the component in which appointed until the eighth anniversary of the receipt of the commission.

Subsec. (d)(2). Act Aug. 9, 1955, § 3(d), permitted deferment of commissioned officers who perform satisfactory service in an appropriate unit of the Ready Reserve.

Subsec. (h). Act June 30, 1955, § 101(d), provided that determination of deferment shall not be based on existence of a shortage or a surplus of any agricultural commodity.

1951—Subsec. (a). Act June 19, 1951, § 1(*l*), exempted Naval reserve midshipmen attending merchant marine schools and students enrolled in military colleges which have approved ROTC courses from registration and induction.

Subsec. (c). Act June 19, 1951, § 1(m), substituted "February 1, 1941" for "the effective date of this title" in paragraph (1), to insert "prior to the * * * report for induction" following "six months" in paragraph (2)(A), and inserted ", paragraph (1) of this subsection" following "subsection (b)" in paragraph (2)(B).

Subsec. (d). Act June 19, 1951, § 1(n), continued deferments to ROTC members but increased their period of service from 2 years to 6 years after receiving their commission (including 2 years active duty or 3 years active duty if financial assistance is received), authorized establishment of other training programs, and provided for the President's deferment power.

Subsec. (h). Act June 19, 1951, § 1(o), removed the President's authority to defer married men who have no dependents other than a wife solely on a basis of such marriage unless extreme hardship is involved, permitted the induction of persons now deferred until the thirty-fifth anniversary of their birth should the basis for deferment terminate after their 26th birthday, and added "dental, optometric, osteopathic, and chiropractic" to the list of endeavors which may be considered for deferment purposes.

Subsec. (i). Act June 19, 1951, § 1(p), authorized deferment of high school and college students in lieu of postponement of induction in order to give them an opportunity to enlist in the branch of service of their choice during such deferment period.

Subsec. (j). Act June 19, 1951, § 1(q), substituted "in lieu of * * * under this title" for "be deferred" in third sentence, and "he shall in * * * under this title" for "he shall be deferred" in seventh sentence.

1950—Subsec. (b)(2). Act Sept. 27, 1950, struck out of subdivisions (A) and (B) the phrases "or the Coast Guard", "(or the Coast Guard)", and "or in the Coast Guard" wherever appearing.

Effective and Termination Date of 1957 Amendments

Pub. L. 85-62 effective July 1, 1957, and terminating July 1, 1967, see note set out under section 454 of this Appendix.

Short Title of Act June 30, 1955

Section 1 of act June 30, 1955, provided that the Act enacting amendments to sections 454(i)(1), 454a, 456(a), 456(b)(3), 456(c)(2)(A), 456(h), 467, and 2216 of this Appendix, and section 234 of former Title 37, Pay and Allowances, should be popularly known as the "1955 Amendments to The Universal Military Training and Service Act".

Prior Obligated Service

Section 5 of Pub. L. 88-110 provided that: "This Act [amending subsec. (c)(2) of this section, section 463(a) of this title and sections 270(b) and 511(d) of Title 10, and repealing section 1013 of Title 50] shall not affect any term of obligated service incurred before the effective date of this Act [Sept. 3, 1963]. In addition, the enactment of this Act [Sept. 3, 1963] shall not increase the minimum period of active duty or active duty for training that is required on the day before the effetcive date of this Act to earn an exemption from training and service under the Universal Military Training and Service Act, as amended (50 U.S.C. App. 451 et seq.), in the case of persons who entered the Armed Forces before the effective date of this Act."

Transfer of Functions

Secretary of Transportation has been substituted for Secretary of the Treasury pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and transferred all functions, powers, and duties, relating to the Coast Guard of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury. See section 1655(b)(1) of Title 49, Transportation. Section 1655(b)(2) of Title 49, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in this section.

All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by 1966 Reorg. Plan No. 3, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out in the Appendix to Title 5, Government Organization and Employees.

The Environmental Science Services Administration in the Department of Commerce, including the offices of Administrator and Deputy Administrator thereof, were abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 30, 1970, 35 F.R. 15627, 84 Stat. —, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred the personnel, property, records, and unexpended balances of funds of the Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. The components of the Environmental Science Services Administration thus transferred included the Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center, and the ESSA Research Laboratories.

The Coast and Geodetic Survey was consolidated with the Weather Bureau of the Department of Commerce to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. All personnel (including commissioned officers) of the Survey and all property held or used by the Survey were deemed transferred to the Administration, and all functions of the Survey, not already transferred by 1950 Reorg. Plan No. 5, were transferred to the Secretary of Commerce.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard was operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

The functions of all officers of the Department of Commerce and all functions of all officers and employees of the Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested

in him to authorize their performance or the performance of any of his functions by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

CROSS REFERENCES

Selective Service officials and employees, no exemptions for, see section 460 of this Appendix.

EX. ORD. NO. 10028. DEFINITION OF NONCOMBATANT SERVICE AND NONCOMBATANT TRAINING

Ex. Ord. No. 10028, Jan. 14, 1949, 14 F.R. 211, provided:

1. The term "noncombatant service" shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

2. The term "noncombatant training" shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix; title 10 section 651; title 37 section 209.

§ 457. Repealed. June 19, 1951, ch. 144, § 1 (r), 65 Stat. 86.

Section, act June 24, 1948, ch. 625, title I, § 7, 62 Stat. 614, related to active duty for certain members of reserve components.

§ 458. Bounties for enlistment or induction; substitutes; purchase of release.

No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 [section 454 of this Appendix] may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor. (June 24, 1948, ch. 625, title I, § 8, 62 Stat. 614; Aug. 10, 1956, ch. 1041, § 22(d), 70A Stat. 630.)

REFERENCES IN TEXT

This Act, referred to in subsec. text, is act June 24, 1948, ch. 625, 62 Stat. 604, as amended. Title I of the act, as amended, is classified to sections 451, 453, 454, 455, 456, and 458–471 of this Appendix. Title II of the Act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

CODIFICATION

Act Aug. 10, 1956, § 53, purportedly repealed this section, however, section 22(d) of act Aug. 10, 1956, amended this section to eliminate provisions which prohibited the payment of any bounty to induce any person to enlist in the Armed Forces, which provisions are now covered by section 514 of Title 10, Armed Forces.

AMENDMENTS

1956—Act Aug. 10, 1956, eliminated provisions which prohibited the payment of any bounty to induce any person to enlist into the Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 459. Separation from service.

(a) Certificate recording proficiency and merit; physical examination.

Any person inducted into the armed forces under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4(b) [section 454(b) of this Appendix] shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces under this title [said sections] for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title [said sections], each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided,* That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains: *Provided further,* That, if upon completion of training and service under this title [said sections], such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the Armed Force concerned determined that the physical examination is warranted.

(b) Reemployment rights.

In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the

nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c) Service considered as furlough or leave of absence.

(1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) of this section should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

(3) Any person who holds a position described in paragraph (A) or (B) of subsection (b) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a reserve component of the Armed Forces of the United States.

(d) Jurisdiction of district court; United States attorney to act for claimant.

In case any private employer fails or refuses to comply with the provisions of subsection (b), subsection (c)(1), subsection (c)(3) or subsection (g) [of this section], the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided,* That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further,* That only the employer shall be deemed a necessary party respondent to any such action.

(e) Reemployment by Federal Government.

(1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, by any agency in the executive branch of the Government or by any Territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such Territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the armed forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment

thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided,* That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2 (b) of the Act of November 26, 1940 (54 Stat. 1212) [see section 3304(c) of Title 5], the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces.

(f) Priority of rights to reemployment.

In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any other law relating to similar reemployment benefits left the same position in order to enter the armed forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g) Reemployment benefits to persons enlisting or called to active duty.

(1) Any person who, after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise performed by him after August 1, 1961, does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government (plus in each case any period of additional service imposed pursuant to law).

(2) (A) Any person who, after entering the employment to which he claims restoration enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

(B) Any member of a Reserve component of the Armed Forces of the United States who voluntarily or involuntarily enters upon active duty (other than for the purpose of determining his physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the Ready Reserve or members of a Reserve component to active duty shall have the service limitation governing eligibility for reemployment rights

under paragraph (2) (A) of this subsection extended by his period of such active duty, but not to exceed that period of active duty to which the President is authorized to order units of the Ready Reserve or members of a Reserve component: *Provided*, That with respect to a member who voluntarily enters upon active duty or whose active duty is voluntarily extended the provisions of this paragraph shall apply only when such additional active duty is at the request and for the convenience of the Federal Government.

(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the Veterans' Preference Act of 1944, as amended.

(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(5) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of paragraph (4) of this subsection.

(6) For the purposes of paragraphs (3) and (4) of this subsection, full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of Title 32 is considered active duty for training; and for the purpose of paragraph (4) of the subsection, inactive duty training performed by that member under section 502 of Title 32, or [former] section 301 of Title 37 [now sections 206, 301, 309, 402 and 1002 of Title 37] is considered inactive duty training.

(h) Aid by Bureau of Veterans' Reemployment Rights.

The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the armed forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) Right to vote; manner; poll tax.

Any person inducted into the armed forces for training and service under this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election.

No person inducted into, or enlisted in, the armed forces for training and service under this title [said sections] shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

(j) Reports on separated personnel.

The Secretaries of Army, Navy, Air Force, or Treasury shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty. (June 24, 1948, ch. 625, title I, § 9, 62 Stat. 614; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Sept. 27, 1950, ch. 1059, § 1 (7)—(10), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(s), 65 Stat. 85; July 12, 1955, ch. 327, 69 Stat. 295; July 9, 1956, ch. 523, § 1, 70 Stat. 509; July 12, 1960, Pub. L. 86-632, § 1, 74 Stat. 467; Oct. 4, 1961, Pub. L. 87-391, 75 Stat. 821; Aug. 17, 1968, Pub. L. 90-491, § 1, 82 Stat. 790.)

REFERENCES IN TEXT

The Veterans' Preference Act of 1944, as amended, referred to in subsec. (g)(3), is now covered by sections 2108, 3309 et seq., 3501 et seq., 7511 et seq., and 7701 of Title 5, Government Organization and Employees.

AMENDMENTS

1968—Subsec. (c)(3). Pub. L. 90-491, § 1(1), added subsec. (c)(3).

Subsec. (d). Pub. L. 90-491, § 1(2), included cases where any private employer fails or refuses to comply with the provisions of subsec. (c)(3) of this section.

Subsec. (g)(1). Pub. L. 90-491, § 1(3), substituted "does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government" for "does not exceed four years."

Subsec. (g)(2). Pub. L. 90-491, § 1(4), designated existing provisions as par. (A), and added par. (B).

1961—Subsec. (g)(1). Pub L. 87-391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(2). Pub. L. 87-391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(4). Pub. L. 87-391 eliminated the requirement that persons who are rejected for military service must have requested a leave of absence from their employers for the purpose of determining their physical fitness to enter the Armed Forces in order to insure reemployment rights.

Subsec. (g)(5). Pub. L. 87-391 added subsec. (g)(5) and redesignated subsec. (g)(5) as (g)(6).

Subsec. (g)(6). Pub. L. 87-391 redesignated former subsec. (g)(5) as (g)(6).

1960—Subsec. (g)(2). Pub. L. 86-632, § 1(1), inserted "and other than for training" after "physical fitness" in the parenthetical phrase.

Subsec. (g)(3). Pub. L. 86-632, § 1(2), substituted the existing reemployment provisions for provisions granting a leave of absence to perform training duty or to be examined to determine fitness to enter the armed forces and requiring application for reinstatement to be made within thirty days following release from training duty or rejection for service.

Subsec. (g) (4), (5). Pub. L. 86-632, § 1(3), added pars. (4) and (5).

1956—Subsec. (d). Act July 9, 1956, inserted reference to subsection (g) of this section.

1955—Subsec. (a). Act July 12, 1955, added a proviso removing requirement for a final physical examination for inductees who continue on active duty in another status in the Armed Forces.

1951—Subsec. (g). Act June 19, 1951, clarified reemployment rights with respect to restoration to a position of like seniority, status, and pay.

1950—Subsec. (g)(1). Act Sept. 27, 1950, § 1(7), struck out the phrases "or the Coast Guard (other than a reserve component)" and "or the Coast Guard" following "(other than in a reserve component)".

Subsec. (g)(2). Act Sept. 27, 1950, § 1(8), struck out ", the Coast Guard" following "United States".

Subsec. (h). Act Sept. 27, 1950, § 1(9), struck out ", the Coast Guard" following "United States".

Subsec. (j). Act Sept. 27, 1950, § 1(10), struck out "or" following "Navy" and inserted ", or Treasury" following "Air Force".

CHANGE OF NAME

Subsec. (d). Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "United States district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86-632 provided that: "This Act [amending subsec. (g) of this section and repealing section 1013(f) of Title 50] shall take effect upon the expiration of sixty days from the date of its enactment [July 12, 1960]."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 2 of act July 9, 1956, provided that amendment to subsec. (d) of this section should take effect as of June 19, 1951.

TRANSFER OF FUNCTIONS

All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by 1966 Reorg. Plan No. 3, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Federal absentee voting assistance, see section 1451 et seq. of this Appendix.

SUPREME COURT RULES

Veterans' cases under this section, see rule 54, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix and in title 5 section 3551; title 28 section 631.

§ 460. Selective Service System.

(a) Establishment; construction; appointment and compensation of Director; termination and reestablishment of Office of Selective Service Records.

(1) There is established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b) (3) of this section.

(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive basic compensation at the rate of $14,000 per annum.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service

Records are transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking effect of the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix]: *Provided,* That, effective upon the termination of this title [said sections] and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is reestablished on the same basis and with the same functions as obtained prior to the effective date of this title [June 24, 1948], (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) Administrative provisions.

The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix];

(2) to appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the State headquarters of the Selective Service System; to employ such number of civilians, and to order to active duty with their consent and to assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System;

(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix], together with such other duties as may be assigned under this title [said sections]: *Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and possession of the United States, and in the District of Columbia. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective governors or comparable executive officials. No member shall serve on any local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No citizen shall be denied membership on any local board or appeal board on account of sex. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1968: *Provided,* That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. No member of any local board shall be a member of the armed forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision has jurisdiction, and each intercounty local board corresponding thereto in which such local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title [said sections], of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each Territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon

appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title [said sections], and the determination of the President shall be final. No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title [section 462 of this Appendix], after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided,* That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records or the Selective service System, or of any local board or appeal board or other agency of such Officer or system, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix], by reason of his status as such civilian officer, member, agent, or employee;

(4) to appoint, and to fix, in accordance with the Classification Act of 1949, as amended, the compensation of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix]: *Provided,* That the compensation of employees of local boards and appeal boards may be fixed without regard to the Classification Act of 1949, as amended: *Provided further,* That any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] (except to offices or positions on local boards or appeal boards established or created pursuant to section 10(b)(3) [subsection (b)(3) of this section]) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof, or as such officer or employee in any department or agency of the United States: "*Provided further,* That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the "executive secretary" of the local board or boards: *And provided further,* That the term of employment of such "executive secretary" in such position shall in no case exceed ten years except when reappointed;

(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix];

(6) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended [section 14 of Title 44], and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], with or without advertising or formal contract;

(7) to prescribe eligibility, rules, and regulations governing the parole for service in the armed forces, or for any other special service established pursuant to this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], of any person convicted of a violation of any of the provisions of this title [said sections];

(8) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; [section 278a of Title 40]), shall not apply to any lease entered into under the authority of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix];

(9) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix]; and, in order to accomplish the purpose of this title [said sections], to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title [said sections] by the Attorney General as required by section 355, Revised Statutes, as amended.

(10) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title [sections 451, 453, 454, 455,

456 and 458 to 471 of this Appendix], such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title [said sections], the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Delegation of President's authority.

The President is authorized to delegate any authority vested in him under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], and to provide for the subdelegation of any such authority.

(d) Acceptance of gifts and voluntary services.

In the administration of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], gifts of supplies, equipment, and voluntary services may be accepted.

(e) Fiscal, disbursing, and accounting agent.

The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix].

(f) Settlement of travel claims, etc.

The Director is authorized to make final settlement of individual claims, for amounts not exceeding $50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(g) Reports to Congress.

The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted in to the military service under this Act; and the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request. (June 24, 1948, ch. 625, title I, § 10, 62 Stat. 618; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; June 30, 1950, ch. 445, § 3, 64 Stat. 319; Sept. 27, 1950, ch. 1059, § 3 (b), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(u), 65 Stat. 87; June 30, 1967, Pub. L. 90–40, § 1(8)–(10), 81 Stat. 104, 105.)

REFERENCES IN TEXT

The taking of effect of the provisions of this title and the effective date of this title, referred to in subsec. (a)(4), are defined in section 470 of this Appendix.

The termination of this title, referred to in subsec. (a)(4), is defined in section 467 of this Appendix.

Act of March 31, 1947, and Public Law 26, Eightieth Congress, approved March 31, 1947, referred to in subsecs. (a)(4) and (b)(8), respectively, are classified to sections 321—329 of this Appendix.

Classification Act of 1949, referred to in subsec. (b)(4), is classified to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

Section 355, Revised Statutes, as amended, referred to in subsec. (b)(9), is set out as section 733 of Title 33, Navigation and Navigable Waters; section 255 of Title 40, Public Buildings, Property and Works; and section 175 of this title.

Section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress), referred to in subsec. (b)(10), was act May 24, 1946, ch. 270, § 14, 60 Stat. 219, which amended section 607 of act June 30, 1945, ch. 212, title VI, 59 Stat. 304 (former section 947 of Title 5). Section 607, as amended, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301 (85), 64 Stat. 843.

This Act, referred to in subsec. (g), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended. Title I of the act, as amended, is classified to sections 451, 453, 454, 455, 456, and 458–471 of this Appendix. Title II of the act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

AMENDMENTS

1967—Subsec. (b)(3). Pub. L. 90–40, § 1(8), prohibited the disqualification of members of armed forces reserve components from serving as counselors to registrants, including services as government appeal agents, merely because of such membership in the reserve, set 25 years as the maximum length of service on local and appeal boards and 75 years as the age after the attainment of which members may not serve, prohibited discrimination as to service on boards because of sex, with the new limitations on age and sex to be implemented not later than January 1, 1968, and prohibited judicial review of classification or processing of registrants except as a defense to a criminal prosecution instituted under section 462 of this Appendix, and then only after the registrant has responded either affirmatively or negatively to an order to report for induction or for civilian work and to the question of jurisdiction reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification.

Subsec. (b)(4). Pub. L. 90–40, § 1(9), provided for the designation of a local board employee having supervisory duties with respect to other employees of one or more local boards as the "executive secretary", with such employee to serve in that position for a maximum of ten years except when reappointed.

Subsec. (g). Pub. L. 90–40, § 1(10), substituted "semiannually" for, "on or before the 3rd day of January of each year," as the time for the submission of the Director's written report to Congress, and added "such other specific kinds of information as the Congress may from time to time request" to the enumeration of subjects to be covered by the report.

1951—Subsec. (b)(3). Act June 19, 1951, § 1(u)(1), provided for one appeal board in each Federal judicial district in the United States, its territories and possessions, and such necessary panels as the President deems necessary.

Subsec. (g). Act June 19, 1951, § 1(u)(2), added subsec. (g).

1950—Subsec. (b)(3). Act Sept. 27, 1950, inserted ", or separate panels thereof each consisting of three or more members" following "Such local boards" in the sixth sentence.

Subsec. (b)(4). Act June 30, 1950, deleted the comma between "the compensation of" and "such officers".

1949—Subsec. (b)(4). Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

SHORT TITLE

Section 4 of act June 30, 1950, provided that the Act, enacting section 471 of this Appendix and amending this section and section 467 of this Appendix should be popularly known as the "Selective Service Extension Act of 1950".

DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6659, set out as a note under section 471 of this Appendix, delegates,

to the Secretary of Defense, the President's authority to order members and units of Reserve components into active Federal service.

REPEALS

Act Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, formerly set out in the credit to this section, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 655.

COMPENSATION INCREASE FOR EMPLOYEES OF LOCAL OR APPEAL BOARDS

Act June 5, 1952, ch. 369, ch. VII, § 701, 66 Stat. 109, provided in part: "That effective as of the first day of the first pay period which began after June 30, 1951, and within ninety days from the date of enactment of this Act [June 5, 1952], the rate of compensation of any employee of a local board or appeal board may be increased pursuant to the authority contained in section 10 of the Universal Military Training and Service Act, as amended [this section]: *Provided further*, That such increases may be made retroactively effective on the same basis as if they had been authorized by Public Law 201, approved October 24, 1951 [section 1113 (b), (c) of Title 5]."

COMPENSATION OF DIRECTOR OF SELECTIVE SERVICE

Compensation of Director, see section 5315 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 461. Emergency medical care.

Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title [said sections], but such burial expenses shall not exceed $150 in any one case. (June 24, 1948, ch. 625, title I, § 11, 62 Stat. 621.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 462. Offenses and penalties.

(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title [said sections], rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making, of any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title [said sections], or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title [said sections], or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title [said sections], or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title [said sections], or rules, regulations, or directions made pursuant to this title [said sections], or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title [said sections] or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title [said sections] unless such person has been actually inducted for the training and service prescribed under this title [said sections] or unless he is subject to trial by court martial under laws in force prior to the enactment of this title [said sections]. Precedence shall be given by courts to the trial of cases arising under this title [said sections], and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any United States district court or United States court of appeals shall take precedence over all other cases pending before the court to which the case has been referred.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued purusant to or prescribed by the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title [said sections], or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or

evades any of the provisions of this title [said sections] or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed $10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so. (June 24, 1948, ch. 625, title I, § 12, 62 Stat. 622; Aug. 30, 1965, Pub. L. 89–152, 79 Stat. 586; June 30, 1967, Pub. L. 90–40, § 1(11), 81 Stat. 105.)

AMENDMENTS

1967—Subsec. (a). Pub. L. 90–40, § 1(11)(a), struck out requirement that a request of the Attorney General precede the granting of precedence to the trial of cases arising under this title and added provision that appeals from a decision or decree of any United States District Court or United States Court of Appeals take precedence over all other cases pending before the court to which the case has been referred.

Subsec. (c). Pub. L. 90–40, § 1(11)(b), added subsec. (c).

1965—Subsec. (b)(3). Pub. L. 89–152 prohibited a person from knowingly destroying or knowingly mutilating any registration certificate or other prescribed certificate.

CROSS REFERENCES

Conviction of crime as ground for exemption from service, see section 456 of this Appendix.

Refusal to give preference to orders or to manufacture supplies, see section 468 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 463. Nonapplicability of certain laws.

(a) Nothing in section 203, 205, or 207 of Title 18, or in the second sentence of subsection (a) of [former] section 118i of Title 5, as amended, shall be deemed to apply to any person because of his appointment under authority of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claming exemption from combatant or noncombatant training because of conscientious objections, or as member of the National Selective Service Appeal Board.

(b) All functions performed under this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [section 551 et seq. of Title 5] except as to the requirements of section 3 of such Act [section 552 of Title 5].

(c) In computing the lump-sum payments made to Air Force reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended and to reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended, no credit shall be allowed for any period of active service performed from the effective date of this title [June 24, 1948] to the date on which this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] shall cease to be effective. Each such lumpsum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title [June 24, 1948], or immediately following the date on which this title [sections 451, 453, 454, 455, 456, and 458 to 471 of this Appendix] shall cease to be effective, or both. (June 24, 1948, ch. 625, title I. § 13, 62 Stat. 623; June 19, 1951, ch. 144, title I, § 1(t), 65 Stat. 87; Sept. 3, 1963, Pub. L. 88–110, § 6, 77 Stat. 136.)

REFERENCES IN TEXT

Administrative Procedure Act, referred to in subsec. (b), is classified to sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

Section 2 of the Act of June 16, 1936, as amended, referred to in subsec. (c), is section 2 of act June 16, 1936, ch. 587, 49 Stat. 1524, as amended Apr. 3, 1939, ch. 35, § 11, 53 Stat. 559; June 3, 1941, ch. 165, § 6, 55 Stat. 240; July 25, 1947, ch. 323, 61 Stat. 424; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, which was not classified to the Code.

Section 12 of the Act of August 4, 1942, as amended, referred to in subsec. (c), is section 12 of act Aug. 4, 1942, ch. 547, 56 Stat. 738, as amended Oct. 25, 1943, ch. 275, § 1, 57 Stat. 574; July 25, 1947, ch. 323, 61 Stat. 424, which was not classified to the Code.

Date on which this title shall cease to be effective, referred to in the text of subsec. (c), is defined in section 467 of this Appendix.

AMENDMENTS

1963—Subsec. (a). Pub. L. 88–110 substituted "203, 205, or 207 of Title 18" for "281, 283, or 284 of Title 18, in section 99 of Title 5".

1951—Subsec. (a). Act June 19, 1951, brought within its provisions members of the National Selective Service Appeal Board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 569, 460, 461, 462, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 464. Soldiers' and Sailors' Civil Relief Act as applicable.

Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191) [section 584 of this Appendix], and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress) [section 584 note of this Appendix], all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof [sections 540 to 548 of this Appendix], shall be applicable to all persons in the armed forces of the United States, including all persons inducted into the armed forces pursuant to this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief

Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided,* That, with respect to persons inducted into the armed forces while this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction. (June 24, 1948, ch. 625, title I, § 14, 62 Stat 623; Sept. 27, 1950, ch. 1059, § 1(11), 64 Stat. 1074.)

REFERENCES IN TEXT

Soldiers' and Sailors' Civil Relief Act, referred to in the catchline and text, is classified to sections 501—548 and 560—590 of this Appendix.

Such Act, referred to in the text, has reference to the Soldiers' and Sailors' Civil Relief Act.

AMENDMENTS

1950—Act Sept. 27, 1950, struck out phrase ", the Coast Guard" following "to this title".

TRANSFER OF FUNCTIONS

All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by 1966 Reorg. Plan No. 3, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out in the Appendix to Title 5, Government Organization and Employees.

TERMINATION OF WAR

Termination of war with respect to article IV of Soldiers' and Sailors' Civil Relief Act, referred to in the text, see note set out under section 584 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 465, 466, 467, 469, 470 of this Appendix.

§ 465. Notice of requirements of Act; voluntary enlistments unaffected.

(a) Every person shall be deemed to have notice of the requirements of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3 [section 453 of this Appendix].

(b) It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

(c) If any provision of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], or the application thereof to any person or circumstance, is held invalid, the remainder of the title [said sections], and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Except as provided in section 4(c) or section 4(g) [section 454(c) or former section 454(g) of this Appendix], nothing contained in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the armed forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense. (June 24, 1948, ch. 625, title I, § 15, 62 Stat. 624.)

REFERENCES IN TEXT

Section 4(g), referred to in subsec. (d) and formerly classified as section 454(g) of this Appendix, was repealed by act June 19, 1951, ch. 144, title I, § 1(h), 65 Stat. 80.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 466, 467, 469, 470 of this Appendix.

§ 466. Definitions.

When used in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix]—

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States", when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "armed forces" shall be deemed to include the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term "district court of the United States" shall be deemed to include the courts of the United States for the Territories and possessions of the United States.

(e) The term "local board" shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

(f) The term "Director" shall be deemed to mean the Director of the Selective Service System.

(g) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as

a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

(h) The term "organized unit", when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(i) The term "reserve components of the armed forces" shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the armed forces. (June 24, 1948, ch. 625, title I, § 16, 62 Stat. 624; Sept. 27, 1950, ch. 1059, § 1 (12), (13), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1(v), 65 Stat. 87; June 25, 1959, Pub. L. 86–70, § 36, 73 Stat. 150; July 12, 1960, Pub. L. 86–624, § 39, 74 Stat. 422.)

AMENDMENTS

1960—Pub. L. 86–624 eliminated "Hawaii," preceding "Puerto Rico."

1959—Subsec. (b). Pub. L. 86–70 eliminated "Alaska," following "District of Columbia,".

1951—Subsec. (b). Act June 19, 1951, brought "Guam" within definition of the "United States".

1950—Subsec. (c). Act Sept. 27, 1950, § 1(12), struck out "and" following "Corps" and inserted preceding period the phrase ", and the Coast Guard".

Subsec. (i). Act Sept. 27, 1950, § 1(13), struck out "and" following "Naval Reserve", the phrase ", the Coast Guard Reserve" following "foregoing" and inserted after "Marine Corps Reserve" the phrase "and the Coast Guard Reserve".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 467, 469, 470 of this Appendix.

§ 467. Repeals; appropriations; termination date.

(a) Except as provided in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] all laws or any parts of laws in conflict with the provisions of the title [said sections] are repealed to the extent of such conflict.

(b) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix]. All funds appropriated for the administrative expenses of the National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

(c) Notwithstanding any other provisions of this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix], no person shall be inducted for training and service in the Armed Forces after July 1, 1971, except persons now or hereafter deferred under section 6 of this title [section 456 of this Appendix] after the basis for such deferment ceases to exist. (June 24, 1948, ch. 625, title I, § 17, 62 Stat. 625; June 23, 1950, ch. 351, 64 Stat. 254; June 30, 1950, ch. 445, § 1, 64 Stat. 318; June 19, 1951, ch. 144, title I, § 1 (w), 65 Stat. 87; June 30, 1955, ch. 250, title I, § 102, 69 Stat. 224; Mar. 23, 1959, Pub. L. 86–4, § 1, 73 Stat. 13; Mar. 28, 1963, Pub. L. 88–2, § 1, 77 Stat. 4; June 30, 1967, Pub. L. 90–40, § 1(12), 815 Stat. 105.)

AMENDMENTS

1967—Subsec. (c). Pub. L. 90–40 extended the termination date from July 1, 1967, to July 1, 1971.

1963—Subsec. (c). Pub. L. 88–2 extended the termination date from July 1, 1963, to July 1, 1967.

1959—Subsec. (c). Pub. L. 86–4 extended the termination date from July 1, 1959, to July 1, 1963.

1955—Subsec. (c). Act June 30, 1955, extended the termination date from July 1, 1955, to July 1, 1959.

1951—Act June 19, 1951, amended section generally to provide for repeal of all conflicting laws, to appropriate certain funds directly to the Commission, and to provide for the termination date of July 1, 1955.

1950—Subsec. (b). Joint Res. June 23, 1950, and act June 30, 1950, extended the period of effectiveness for fifteen days until July 9, 1950, and again from July 9, 1950, to July 9, 1951.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 469, 470 of this Appendix.

§ 468. Utilization of industry.

(a) Placement of orders; definition of "small business".

Whenever the President after consultation with and receiving advice from the National Security Resources Board determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the armed forces of the United States, or for the use of the Atomic Energy Commission, he is authorized, through the head of any Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section. Under any such program of national procurement, the President shall recognize the valid claim of American small business to participate in such contracts, in such manufactures, and in such distribution of materials, and small business shall be granted a fair share of the orders placed, exclusively for the use of the armed forces or for other Federal agencies now or hereafter designated in this section. For the purposes of this section, a business enterprise

shall be determined to be "small business" if (1) its position in the trade or industry of which it is a part is not dominant, (2) the number of its employees does not exceed 500, and (3) it is independently owned and operated.

(b) Precedence of Government placed orders.

It shall be the duty of any person with whom an order is placed pursuant to the provisions of subsection (a) [of this section], (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may prescribe, and (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible.

(c) Failure to give precedence; Government possession.

In case any person with whom an order is placed pursuant to the provisions of subsection (a) of this section refuses or fails—

(1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may have prescribed;

(2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;

(3) to produce the kind or quality of articles or materials ordered; or

(4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d) of this section;

the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government.

(d) Same; payment of compensation by United States.

Fair and just compensation shall be paid by the United States (1) for any articles or materials furnished pursuant to an order placed under subsection (a) of this section, or (2) as rental for any plant, mine, or other facility of which possession is taken under subsection (c) of this section.

(e) Same; application of Federal and State laws governing employees.

Nothing contained in this section shall be deemed to render inapplicable to any plant, mine, or facility of which possession is taken pursuant to subsection (c) [of this section] any State or Federal laws concerning the health, safety, security, or employment standards of employees.

(f) Penalties.

Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than $50,000, or by both such imprisonment and fine.

(g) Definitions.

(1) As used in this section—

(A) The term "person" means any individual, firm, company, association, corporation, or other form of business organization.

(B) The term "Government agency" means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

(h) Rules and regulations governing steel industry; mandatory; reports to Congress.

(1) The President is empowered, through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel products or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such requirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding $50,000.

(2) The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum. (June 24, 1948, ch. 625, title I, § 18, 62 Stat. 625.)

REFERENCES IN TEXT

Date of enactment of this Act, referred to in subsec. (h)(2), occurred June 24, 1948.

ABOLITION OF FUNCTIONS

The functions of the Chairman of the National Security Resources Board under this section, with respect to being consulted by and furnishing advice to the President as required by this section, were abolished by 1953

Reorg. Plan No. 3, § 5 (a), eff. June 12, 1953, 18 F. R. 3375, 67 Stat. 634, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

The National Security Resources Board, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) were transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F. R. 5227, 63 Stat. 1067, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Power of President to require performance of contracts or orders for national defense, see section 2071 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 469. Saving provisions.

Nothing in this title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495). (June 24, 1948, ch. 625, title I, § 19, 62 Stat. 627.)

REFERENCES IN TEXT

The National Security Act of 1947 (61 Stat. 495), referred to in the text, is act July 26, 1947, ch. 343, 61 Stat. 495, which was classified to sections 1, 11, 171–1, 171–2, 171b, 171k—171m, 171n, 172j. 602 and 626d of former Title 5 and sections 401–403 404, and 405 of this title. Distribution of repealed sections of National Security Act of 1947, classified to former Title 5 and now covered by Title 10, Armed Forces, except as noted, is as follows:

Former section:	*Present section of Title 10*
171	131, 133.
171a	124, 125, 132, 133, 136, 141, 3010, 3012, 5011, 5031, 8010 and 8012.
171c	134, 135, 136, 718 and 2358.
171c–1, 2	2211 of Title 5.
171d	1580.
171e	171.
171f	141, 142.
171g	143.
171h	2201 [Repealed].
171i	2351 [Repealed].
171j	173.
172	136.
172a	3014, 5061, 8014.
172b	2203.
172c	2204.
172d	2208.
172e	2209.
172f	126.
172g	2205.
172h	2206.
172i	2701.
181–1	101, 3011, 3012, 3062.
181–2	5312–5316 of Title 5 and 3012 of Title 10.
411a	409 of Title 50 and 5012, 5013, 5402 of Title 10.
411b	5312–5316 of Title 5 and 5031 of Title 10.
626	409 of Title 50 and 8011–8013, 8033 of Title 10.
626a	5312–5316 of Title 5 and 8012 of Title 10.
626b	5312–5316 of Title 5 and 8013 of Title 10.
626c	743, 8062.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 470 of this Appendix.

§ 470. Effective date.

This title [sections 451, 453, 454, 455, 456 and 458 to 471 of this Appendix] shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act [June 24, 1948], no person shall be inducted or ordered into active service without his consent under this title [said sections] within ninety days after the date of its enactment. (June 24, 1948, ch. 625, title I, § 20, 62 Stat. 627; Sept. 27, 1950, ch. 1059, § 1(14), 64 Stat. 1074; Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.)

AMENDMENTS

1956—Act Aug. 10, 1956, repealed provisions requiring the Secretaries of the Army, Navy, and the Treasury to initiate and carry forward intensified voluntary enlistment campaigns for the Army, Air Force, Navy, Marine Corps, and the Coast Guard, which provisions are now covered by sections 3255 and 5531 of Title 10, Armed Forces, and section 350 of Title 14, Coast Guard.

1950—Act Sept. 27, 1950, struck out "and" following "Air Force" and inserted after "Marine Corps" the phrase "and the Secretary of the Treasury, for the Coast Guard".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469 of this Appendix.

§ 471. Authority of President to order Reserve components to active service; release from active duty; retention of unit organizations and equipment.

Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended [former section 452 of this Appendix], the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the inactive or volunteer reserve who served on active duty for a period of 12 months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of 17 or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of 30 days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the inactive or volunteer reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal serv-

ice for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, Territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta. (June 24, 1948, ch. 625, title I, § 21, as added June 30, 1950, ch. 445, § 2, 64 Stat. 318, and amended June 19, 1951, ch. 144, title I, § 1(x), 65 Stat. 87; July 7, 1952, ch. 584, § 1, 66 Stat. 440.)

REFERENCES IN TEXT

Selective Service Act of 1948, as amended, referred to in the first par., was redesignated Universal Military Training and Service Act by the amendment in act June 19, 1951, ch. 144, title I, § 1(a), 65 Stat. 75 to act June 24, 1948, ch. 625, title I, § 1(a), 62 Stat. 604, and was again redesignated Military Selective Service Act of 1967 by the amendment in Pub. L. 90-40, § 1(1), June 30, 1967, 81 Stat. 100. See section 451(a) of this Appendix.

AMENDMENTS

1952—Act July 7, 1952, authorized the President to retain unit organizations and their equipment, exclusive of individual members, for a period of five years.

1951—Act June 19, 1951, substituted "July 1, 1953" for "July 9, 1951", "twenty-four months" for "twenty-one months", and adding last sentence.

EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6661, provided:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress) [this section], to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended [this section], as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 472. Period of increased service applicable to all personnel.

Wherever in this amendatory Act the period of active service for any category of persons is increased, such increased period of service shall be applicable to all persons in such category serving on active duty in the Armed Forces on the date of the enactment of this amendatory Act [June 19, 1951]. (June 19, 1951, ch. 144, title I, § 4, 65 Stat. 88.)

REFERENCES IN TEXT

Date of the enactment of this amendatory Act, referred to in the text, is act June 19, 1951, ch. 144, 65 Stat. 75, which generally amended this Appendix. See distribution tables for distribution of act.

CODIFICATION

Section was enacted as part of the 1951 Amendments to the Universal Military Training and Service Act, act June 19, 1951, ch. 144, 65 Stat 75, and not as part of the Military Selective Service act of 1967, Act June 24, 1948, ch. 625, 62 Stat. 604. Title I of Act June 24, 1948, ch. 625, as amended, is classified to sections 451, 453, 454, 455, 456, and 458—471 of this Appendix. Title II of the Act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

§ 473. Regulations governing liquor sales; penalties.

The Secretary of Defense is authorized to make such regulations as he may deem to be appropriate governing the sale, consumption, possession of or traffic in beer, wine, or any other intoxicating liquors to or by members of the Armed Forces or the National Security Training Corps at or near any camp, station, post, or other place primarily occupied by members of the Armed Forces or the National Security Training Corps. Any person, corporation, partnership, or association who knowingly violates the regulations which may be made hereunder shall, unless otherwise punishable under the Uniform Code of Military Justice, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. (June 19, 1951, ch. 144, title I, § 6, 65 Stat. 88.)

REFERENCES IN TEXT

Uniform Code of Military Justice, referred to in the text, is classified to chapter 47 of Title 10, Armed Forces.

CODIFICATION

Section was enacted as a part of the 1951 Amendments to the Universal Military Training and Service Act, act June 19, 1951, ch. 144, 65 Stat. 75, and not as a part of the Military Selective Service Act of 1967, act June 24, 1948, ch. 625, 62 Stat. 604. Title I of Act June 24, 1948, ch. 625, as amended, is classified to sections 451, 453, 454, 455, 456, and 458—471 of this Appendix. Title II of the Act was classified to various sections of former Title 10, Army and Air Force. See Tables volume. For location of such sections in revised Title 10, Armed Forces, see disposition table set out at the beginning of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470 of this Appendix.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

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569. Distribution of information concerning benefits of article; forms.
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EXTENSION OF BENEFITS TO INDUCTEES UNDER UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, sections 501—548 and 560—590 of this Appendix, are extended to inductees under the Universal Military Training and Service Act by section 464 of this Appendix

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1918

Former provisions on this subject were contained in the Soldiers' and Sailors' Civil Relief Act of 1918, set out as former section 101 et seq. of this Appendix.

§ 501. Short title.

This Act [sections 501 to 548 and 560 to 590 of this Appendix] may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940. (Oct. 17, 1940, ch. 888, § 1, 54 Stat. 1178.)

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

Act Oct. 6, 1942, ch. 581, § 1, 56 Stat. 769, provided: "That this Act (affecting sections 513—517, 525, 526, 530—535, 540—554, 560, 569, 572, 574, and 590 of this Appendix) may be cited as the Soldiers' and Sailors' Civil Relief Act Amendments of 1942."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 510 to 548 and 560 to 590 of this Appendix.

ARTICLE I.—GENERAL PROVISIONS

§ 510. Purpose; suspension of enforcement of civil liabilities.

In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force. (Oct. 17, 1940, ch. 888, § 100, 54 Stat. 1179.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 511 to 548 and 560 to 590 of this Appendix.

§ 511. Definitions.

(1) The term "persons in military service" and the term "persons in the military service of the United States", as used in this Act [sections 501 to 548 and 560 to 590 of this Appendix], shall include the following persons and no other: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service", as used in this Act [said sections], shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service", as used in this Act [sections 501 to 548 and 560 to 590 of this Appendix], shall include the time between the following dates: For persons in active service at the date of approval of this Act [Oct. 17, 1940] it shall begin with the date of approval of this Act [Oct. 17, 1940]; for persons entering active service after the date of this Act [Oct. 17, 1940], with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act [said sections] ceases to be in force.

(3) The term "person", when used in this Act [sections 501 to 548 and 560 to 590 of this Appendix], with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court", as used in this Act [sections 501 to 548 and 560 to 590 of this Appendix], shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record. (Oct. 17, 1940, ch. 888, § 101, 54 Stat. 1179.)

WOMEN'S ARMY CORPS

The members of the Women's Army Auxiliary Corps were included among the "persons in military service" within the meaning of the Soldiers' and Sailors' Civil Relief Act by the amendment to subsec. 1 of this section by act of May 14, 1942, ch. 312, § 19, 56 Stat. 282, which was repealed by act of July 1, 1943, ch. 187, § 5, 57 Stat. 371. The Women's Army Auxiliary Corps established by the act of May 14, 1942, was superseded by the Women's Army Corps in the Army of the United States as established by the act of July 1, 1943, ch. 187, 57 Stat. 371 and repealed by act June 25, 1947, ch. 327, § 2 (a), 61 Stat. 451, eff. July 1, 1948. The effective date of the repeal was postponed until June 12, 1949, by act June 12, 1948, ch. 449, title I, § 110, 62 Stat. 363, section 101 of which established in the Regular Army a Women's Army Corps to be effective June 12, 1948.

The members of the Women's Army Corps, Regular Army, are entitled to the protection of all laws applicable to male commissioned officers, warrant officers, and enlisted men of the Regular Army; to former male commissioned officers, warrant officers and enlisted men of the Regular Army; and to their dependents and beneficiaries, in view of section 107 of act June 12, 1948, ch. 449, title I, 62 Stat. 361, which superseded similar provisions contained in act July 1, 1943, ch. 187, § 2, 57 Stat. 371 [formerly set out as section 1552 of this Appendix].

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510, 512 to 548 and 560 to 590 of this Appendix.

§ 512. Territorial application; jurisdiction of courts; form of procedure.

(1) The provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix] shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

(2) When under this Act [sections 501 to 548 and 560 to 590 of this Appendix], any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court. (Oct. 17, 1940, ch. 888, § 102, 54 Stat. 1179; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

The clause "including the Philippine Islands while under the sovereignty of the United States" following the words "and all territory subject to the jurisdiction of the United States" in subdivision (1) was omitted pursuant to 1946 Proc. No. 2695, which recognized the independence of the Philippine Islands as of July 4, 1946, and is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510, 511, 513 to 548 and 560 to 590 of this Appendix.

§ 513. Protection of persons secondarily liable.

(1) Whenever pursuant to any of the provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix] the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, accommodation makers, and others, whether primarily or secondarily subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix], the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, accommodation maker, or other person whether primarily or secondarily liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

(3) Whenever, by reason of the military service of a principal upon a criminal bail bond the sureties upon such bond are prevented from enforcing the attendance of their principal and performing their

obligation the court shall not enforce the provisions of such bond during the military service of the principal thereon and may in accordance with principles of equity and justice either during or after such service discharge such sureties and exonerate the bail.

(4) Nothing contained in this Act [sections 501 to 548 and 560 to 590 of this Appendix], shall prevent a waiver in writing of the benefits afforded by subsections (1) and (2) of this section by any surety, guarantor, endorser, accommodation maker, or other person whether primarily or secondarily liable upon the obligation or liability, except that after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942] no such waiver shall be valid unless it is executed as an instrument separate from the obligation or liability in respect of which it applies, and no such waiver shall be valid after the beginning of the period of military service if executed by an individual who subsequent to the execution of such waiver becomes a person in military service, or if executed by a dependent of such individual, unless executed by such individual or dependent during the period specified in section 106 [section 516 of this Appendix]. (Oct. 17, 1940, ch. 888, § 103, 54 Stat. 1179; Oct. 6, 1942, ch. 581, §§ 2, 3, 56 Stat. 769.)

REFERENCES IN TEXT

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in subsec. (4), amended, among other sections, this section. For other sections affected, see note under section 501 of this Appendix.

AMENDMENTS

1942—Subsec. (1). Act Oct. 6, 1942, § 2(a), substituted "accommodation makers, and others, whether primarily or secondarily" for "and others".

Subsec. (2). Act Oct. 6, 1942, § 2(b), substituted "accommodation maker, or other person whether primarily or secondarily" for "or other person".

Subsecs. (3) and (4). Act Oct. 6, 1942, § 3 added subsecs. (3) and (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 512, 514 to 548 and 560 to 590 of this Appendix.

§ 514. Extension of benefits to citizens serving with forces of war allies.

Persons who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force and who immediately prior to such service were citizens of the United States shall, except in those cases provided for in section 512 [section 572 of this Appendix], be entitled to the relief and benefits afforded by this Act [sections 501 to 548 and 560 to 590 of this Appendix] if such service is similar to military service as defined in this Act [said sections], unless they are dishonorably discharged therefrom, or it appears that they do not intend to resume United States citizenship. (Oct. 17, 1940, ch. 888, § 104, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 513, 515 to 548 and 560 to 590 of this Appendix.

§ 515. Notice of benefits to persons in and persons entering military service.

The Secretary of the Army and the Secretary of the Navy shall make provision, in such manner as each may deem appropriate for his respective Department, to insure the giving of notice of the benefits accorded by this Act [sections 501 to 548 and 560 to 590 of this Appendix] to persons in and to persons entering military service. The Director of Selective Service shall cooperate with the Secretary of the Army and the Secretary of the Navy in carrying out the provisions of this section. (Oct. 17, 1940, ch. 888, § 105, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force and Department of the Air Force from the Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40 [App. A (112)], July 22, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 514, 516 to 548 and 560 to 590 of this Appendix.

§ 516. Extension of benefits to persons ordered to report for induction or military service.

Any person who has been ordered to report for induction under the Selective Training and Service Act of 1940, as amended, shall be entitled to the relief and benefits accorded persons in military service under articles I, II, and III of this Act [sections 510 to 517, 520 to 527, and 530 to 536 of this Appendix] during the period beginning on the date of receipt of such order and ending on the date upon which such person reports for induction; and any member of the Enlisted Reserve Corps who is ordered to report for military service shall be entitled to such relief and benefits during the period beginning on the date of receipt of such order and ending on the date upon which he reports for such service. (Oct. 17, 1940, ch. 888, § 106, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

REFERENCES IN TEXT

The Selective Training and Service Act of 1940, as amended, referred to in text, was formerly set out as sections 301—303, 304, 305, 306—309, 310, and 311—318 of this Appendix. Similar provisions are now contained in the Universal Military Training and Service Act, set out as sections 451, 453, 454, 455, 456 and 458—471 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 515, 517 to 548 and 560 to 590 of this Appendix.

§ 517. Effect on rights, remedies, etc., pursuant to written agreements entered after commencement of military service.

Nothing contained in this Act [sections 501 to 548 and 560 to 590 of this Appendix] shall prevent—

(a) the modification, termination, or cancellation of any contract, lease, or bailment or any obligation secured by mortgage, trust deed, lien, or other security in the nature of a mortgage, or

(b) the repossession, retention, foreclosure, sale, forfeiture, or taking possession of property which is security for any obligation or which has been purchased or received under a contract, lease, or bailment,

pursuant to a written agreement of the parties thereto (including the person in military service concerned, or the person to whom section 106 [section 516 of this Appendix] is applicable, whether or not such person is a party to the obligation), or their assignees, executed during or after the period of military service of the person concerned or during the period specified in section 106 [section 516 of this Appendix]. (Oct. 17, 1940, ch. 888, § 107, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 516, 518 to 548 and 560 to 590 of this Appendix.

ARTICLE II.—GENERAL RELIEF

§ 520. Default judgments; affidavits; bonds; attorneys for persons in service.

(1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act [sections 501 to 548 and 560 to 590 of this Appendix]. Whenever, under the laws applicable with respect to any court, facts may be evidenced, established, or proved by an unsworn statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury, the filing of such an unsworn statement, declaration, verification, or certificate shall satisfy the requirement of this subsection that facts be established by affidavit.

(2) Any person who shall make or use an affidavit required under this section or a statement, declaration, verification, or certificate certified or declared to be true under penalty of perjury permitted under subsection (1), knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act [sections 501 to 548 and 560 to 590 of this Appendix], to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix], shall not impair any right or title acquired by any bona fide purchaser for value under such judgment. (Oct. 17, 1940, ch. 888, § 200, 54 Stat. 1180; Sept. 8, 1960, Pub. L. 86-721, §§ 1, 2, 74 Stat. 820.)

AMENDMENTS

1960—Subsec. (1). Pub. L. 86-721, § 1, permitted the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit.

Subsec. (2). Pub. L. 86-721, § 2, inserted after "affidavit required under this section," the words "or a statement, declaration, verification, or certificate certified or declared to be true under penalty of perjury permitted under subsection (1),".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 517, 521 to 548 and 560 to 590 of this Appendix.

§ 521. Stay of proceedings where military service affects conduct thereof.

At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix] unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his

military service. (Oct. 17, 1940, ch. 888, § 201, 54 Stat. 1181.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 520, 522 to 548 and 560 to 590 of this Appendix.

§ 522. Fines and penalties on contracts, etc.

When an action for compliance with the terms of any contract is stayed pursuant to this Act [sections 501 to 548 and 560 to 590 of this Appendix] no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired. (Oct. 17, 1940, ch. 888, § 202, 54 Stat. 1181.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 521, 523 to 548 and 560 to 590 of this Appendix.

§ 523. Stay or vacation of execution of judgments, attachments, etc.

In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

(a) Stay the execution of any judgment or order entered against such person, as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix]; and

(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act [said sections]. (Oct. 17, 1940, ch. 888, § 203, 54 Stat. 1181.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 522, 524 to 548 and 560 to 590 of this Appendix.

§ 524. Duration and term of stays; codefendants not in service.

Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix] may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others. (Oct. 17, 1940, ch. 888, § 204, 54 Stat. 1181.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 523, 525 to 548 and 560 to 590 of this Appendix.

§ 525. Statutes of limitations as affected by period of service.

The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service, nor shall any part of such period which occurs after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942] be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment. (Oct. 17, 1940, ch. 888, § 205, 54 Stat. 1181; Oct. 6, 1942, ch. 581, § 5, 56 Stat. 770.)

REFERENCES IN TEXT

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in the text, amended, among other sections, this section. For other sections affected, see note under section 501 of this Appendix.

AMENDMENTS

1942—Act Oct. 6, 1942, included proceedings before boards, bureaus, commissions, departments, or other agencies of government, and added provision for omission of service period in computing period for redemption of real property.

CROSS REFERENCES

Application of this section to any period of limitation prescribed by or under internal revenue laws, see section 527 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 524, 526 to 548 and 560 to 590 of this Appendix.

§ 526. Maximum rate of interest.

No obligation or liability bearing interest at a rate in excess of 6 per centum per annum incurred by a person in military service prior to his entry into such service shall, during any part of the period of military service which occurs after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942], bear interest at a rate in excess of 6 per centum per annum unless, in the opinion of the court, upon application thereto by the obligee, the ability of such person in military service to pay interest upon such obligation or liability at a rate in excess of 6 per centum per annum is not materially affected by reason of such service, in which case the court may make such order as in its opinion may be just. As used in this section the term "interest" includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) in respect of such obligation or liability. (Oct. 17, 1940, ch. 888, § 206, as added Oct. 6, 1942, ch. 581, § 6, 56 Stat. 771.)

REFERENCES IN TEXT

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in the text, amended, among other

sections, this section. For other sections affected, see note under section 501 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 525, 527 to 548 and 560 to 590 of this Appendix.

§ 527. Limitations prescribed by internal revenue laws as affected by period of service.

Section 205 of this Act [section 525 of this Appendix] shall not apply with respect to any period of limitation prescribed by or under the internal revenue laws of the United States. (Oct. 17, 1940, ch. 888, § 207, as added Oct. 21, 1942, ch. 619, title V, § 507(b)(2)(B), 56 Stat. 964.)

CROSS REFERENCES

Income taxes, deferment of collection, see section 573 of this Appendix and note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 526, 530 to 548 and 560 to 590 of this Appendix.

ARTICLE III.—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES

AMENDMENTS

1942—Article heading was amended by act Oct. 6, 1942, ch. 581, § 7, 56 Stat. 771. Article was formerly entitled "Rent, Installment Contracts, Mortgages".

§ 530. Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment.

(1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $150 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix], or it may make such other order as may be just. Where such stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application therefor, to relief in respect of such premises similar to that granted persons in military service in sections 301, 302, and 500 of this Act [sections 531, 532, and 560 of this Appendix] to such extent and for such period as may appear to the court to be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof, or attempts so to do, shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(4) The Secretary of the Army, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person. (Oct. 17, 1940, ch. 888, § 300, 54 Stat. 1181; Oct. 6, 1942, ch. 581, § 8, 56 Stat. 771; Mar. 3, 1966, Pub. L. 89-358, § 10, 80 Stat. 28.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1966—Subsec. (1). Pub. L. 89-358 increased the limitation of rents from $80 to $150 per month.

1942—Subsec. (2). Act Oct. 6, 1942, § 8(a), added last sentence.

Subsec. (3). Act Oct. 6, 1942, § 8(b), inserted "or attempts so to do,".

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to finance and fiscal matters, insofar as they pertain to the Air Force, from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 25 [§ 1 *111*], Oct. 14, 1948.

For transfer of certain real property, and functions relating thereto, insofar as they pertain to the Air Force, from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948, and 40 [App. B (140)], July 22, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 527, 531 to 548 and 560 to 590 of this Appendix.

§ 531. Installment contracts for purchase of property.

(1) No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price, or a deposit or installment under the contract, lease, or bailment, from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment thereunder due or for any other breach of the terms thereof occurring prior to or during the period of such military service, except by action in a court of competent jurisdiction.

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) of this section or in section 107 [section 517 of this Appendix], or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of

the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix] unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties. (Oct. 17, 1940, ch. 888, § 301, 54 Stat. 1181; Oct. 6, 1942, ch. 581, § 9 (a, c, d), 56 Stat. 771.)

AMENDMENTS

1942—Subsec. (1). Act Oct. 6, 1942, § 9 (a), omitted provision limiting applicability to transactions prior to Oct. 10, 1940, and proviso relating to modification, termination, or cancellation of contracts and repossession or retention of property by mutual written agreement of the parties, inserted provision relating to deposit or installment under contract, lease, or bailment, and included other breaches of terms in addition to nonpayment of installments.

Subsec. (2). Act Oct. 6, 1942, § 9 (d), substituted "of this section or in section 107, or attempts so to do," for "hereof".

Subsec. (3). Act Oct. 6, 1942, § 9 (c), deleted "except as provided in section 303", preceding "on application".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 530, 532 to 548 and 560 to 590 of this Appendix.

§ 532. Mortgages, trust deeds, etc.

(1) The provisions of this section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him which obligations originated prior to such person's period of military service.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix]; or

(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation, or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942] and during the period of military service or within three months thereafter, except pursuant to an agreement as provided in section 107 [section 517 of this Appendix], unless upon an order previously granted by the court and a return thereto made and approved by the court.

(4) Any person who shall knowingly make or cause to be made any sale, foreclosure, or seizure of property, defined as invalid by subsection (3) hereof, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (Oct. 17, 1940, ch. 888, § 302, 54 Stat. 1182; Oct. 6, 1942, ch. 581, §§ 9 (b, c), 10, 56 Stat. 771, 772; June 23, 1952, ch. 450, 66 Stat. 151.)

REFERENCES IN TEXT

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in subsec. (3), amended, among other sections, this section. For other sections affected, see note under section 501 of this Appendix.

AMENDMENTS

1952—Subsec. (4). Act June 23, 1952, prohibited the making of sales, foreclosures, or seizures defined as invalid by subsec. (3) of this section.

1942—Subsec. (1). Act Oct. 6, 1942, § 9 (b), deleted "originating prior to the date of approval of this Act and" following "obligations" and inserted matter at end of subsection following "him".

Subsec. (2). Act Oct. 6, 1942, § 9 (c), deleted "except as provided in section 303," preceding "on application".

Subsec. (3). Act Oct. 6, 1942, § 10, amended subsec. (3) generally.

Subsec. (4). Act. Oct. 6, 1942, § 10, added subsec. (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 531, 533 to 548 and 560 to 590 of this Appendix and title 12 sections 1710, 1739, 1750c.

§ 533. Settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property.

Where a proceeding to foreclose a mortgage upon or to resume possession of personal property, or to rescind or terminate a contract for the purchase thereof, has been stayed as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix], the court may, unless in its opinion an undue hardship would result to the dependents of the person in military service, appoint three disinterested parties to appraise the property and, based upon the report of the appraisers, order such sum, if any, as may be just, paid to the person in military service or his dependent, as the case may be, as a condition of foreclosing the mortgage, resuming possession of the property, or rescinding or terminating the contract. (Oct. 17, 1940, ch. 888, § 303, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772.)

REPEALS

Former section 533, from act Oct. 17, 1940, ch. 888, § 303, 54 Stat. 1183, related to stay of action to resume possession of motor vehicle, tractor, or their accessories, encumbered by purchase money mortgage, conditional sales contract, etc., and was repealed by act Oct. 6, 1942, ch. 581, § 11, 56 Stat. 772.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 532, 534 to 548 and 560 to 590 of this Appendix.

§ 534. Termination of leases by lessees.

(1) The provisions of this section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar pur-

poses in any case in which (a) such lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service, and (b) the premises so leased have been occupied for such purposes, or for a combination of such purposes, by such person or by him and his dependents.

(2) Any such lease may be terminated by notice in writing delivered to the lessor (or his grantee) or to the lessor's (or his grantee's) agent by the lessee at any time following the date of the beginning of his period of military service. Delivery of such notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor (or his grantee) or to the lessor's (or his grantee's) agent and depositing the notice in the United States mails. Termination of any such lease providing for monthly payment of rent shall not be effective until thirty days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which such notice is delivered or mailed and in such case any unpaid rental for a period preceding termination shall be proratably computed and any rental paid in advance for a period succeeding termination shall be refunded by the lessor (or his assignee). Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this subsection shall be subject to such modifications or restrictions as in the opinion of the court justice and equity may in the circumstances require.

(3) Any person who shall knowingly seize, hold, or detain the personal effects, clothing, furniture, or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfere with the removal of such property from the premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (Oct. 17, 1940, ch. 888, § 304, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 533, 535 to 548 and 560 to 590 of this Appendix.

§ 535. Protection of assignor of life insurance policy; enforcement of storage liens; penalties.

(1) Where any life insurance policy on the life of a person in military service has been assigned prior to such person's period of military service to secure the payment of any obligation of such person, no assignee of such policy (except the insurer in connection with a policy loan) shall, during the period of military service of the insured or within one year thereafter, except upon the consent in writing of the insured made during such period or when the premiums thereon are due and unpaid or upon the death of the insured, exercise any right or option by virtue of such assignment unless upon leave of court granted upon an application made therefor by such assignee. The court may thereupon refuse to grant such leave unless in the opinion of the court the ability of the obligor to comply with the terms of the obligation is not materially affected by reason of his military service. For the purpose of this subsection premiums which are guaranteed under the provisions of article IV of this Act [sections 540 to 548 of this Appendix] shall not be deemed to be due and unpaid.

(2) No person shall exercise any right to foreclose or enforce any lien for storage of household goods, furniture, or personal effects of a person in military service during such person's period of military service and for three months thereafter except upon an order previously granted by a court upon application therefor and a return thereto made and approved by the court. In such proceeding the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to pay the storage charges due is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix]; or

(b) make such other disposition of the case as may be equitable to conserve the interest of all parties.

The enactment of the provisions of this subsection shall not be construed in any way as affecting or as limiting the scope of section 302 of this Act [section 532 of this Appendix].

(3) Any person who shall knowingly take any action contrary to the provisions of this section, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (Oct. 17, 1940, ch. 888, § 305, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 773.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 534, 536 to 548 and 560 to 590 of this Appendix.

§ 536. Extension of benefits to dependents.

Dependents of a person in military service shall be entitled to the benefits accorded to persons in military service under the provisions of this article [sections 530 to 536 of this Appendix] upon application to a court therefor, unless in the opinion of the court the ability of such dependents to comply with the terms of the obligation, contract, lease, or bailment has not been materially impaired by reason of the military service of the person upon whom the applicants are dependent. (Oct. 17, 1940, ch. 888, § 306, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 773.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 535, 540 to 548 and 560 to 590 of this Appendix and title 12 sections 1710, 1739, 1750c.

ARTICLE IV.—INSURANCE

PRIOR PROVISIONS

The provisions of "Article IV—Insurance" of act Oct. 17, 1940, ch. 888, 54 Stat. 1183, were amended by act Oct. 6, 1942, ch. 581, § 13, 56 Stat. 773, to read as incorporated in sections 540—548 of this Appendix.

Prior to act Oct. 6, 1942, constituting the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, "Article IV—Insurance" consisted of sections 400—414 of act Oct. 17, 1940, which were incorporated in sections 540—554 of this Appendix. For text of sections 400—414 of act Oct. 17, 1940, as originally enacted, see notes to sections 540—554 of this Appendix.

§ 540. Definitions.

As used in this article [sections 540 to 548 of this Appendix]—

(a) The term "policy" shall include any contract of life insurance or policy on a life, endowment, or term plan, including any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association, which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States as defined in section 101 of article I of this Act [section 511 of this Appendix] or which does not contain any limitation or restriction upon coverage relating to engagement in or pursuit of certain types of activities which a person might be required to engage in by virtue of his being in such military service, and (1) which is in force on a premium-paying basis at the time of application for benefits hereunder, and (2) which was made and a premium paid thereon before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942 or not less than one hundred and eighty days before the date the insured entered into the military service. The provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix] shall not be applicable to policies or contracts of life insurance issued under the War Risk Insurance Act, as amended, the World War Veterans Act, as amended, or the National Service Life Insurance Act of 1940, as amended.

(b) The term "premium" shall include the amount specified in the policy as the stipend to be paid by the insured at regular intervals during the period therein stated.

(c) The term "insured" shall include any person in the military service of the United States as defined in section 101, article I, of this Act [section 511 of this Appendix], whose life is insured under and who is the owner and holder of and has an interest in a policy as above defined.

(d) The term "insurer" shall include any firm, corporation, partnership, or association chartered or authorized to engage in the insurance business and to issue a policy as above defined by the laws of a State of the United States or the United States. (Oct. 17, 1940, ch. 888, § 400, 54 Stat. 1183; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 773; July 11, 1956, ch. 570, § 1, 70 Stat. 528.)

REFERENCES IN TEXT

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in subsec. (a), amended, among other sections, this section. For other sections affected, see note under section 501, of this Appendix.

The War Risk Insurance Act, as amended, referred to in subsec. (a), was act Oct. 6, 1917, ch. 105, 40 Stat. 398, as amended, which was repealed by Pub. L. 85-56, Title XXII, 2202(96), June 17, 1957, 71 Stat. 166.

The World War Veteran's Act as amended, referred to in subsec. (a), was act June 27, 1924, ch. 320, title I, 43 Stat. 607, as amended, which was repealed by Pub. L. 85-857, § 14(51), Sept. 2, 1958, 72 Stat. 1271, and subject matter of which is now generally covered by subchapter II of chapter 19 of Title 38, Veterans' Benefits.

The National Service Life Insurance Act of 1940, as amended, referred to in subsec. (a) was act Oct. 8, 1940, ch. 757, title VI, pt. 1, 54 Stat. 1008, as amended, which was repealed by Pub. L. 85-857, § 14(75), Sept. 2, 1958, 72 Stat. 1272, and is now generally covered by chapter 19 of Title 38, Veterans' Benefits.

AMENDMENTS

1956—Subsec. (a). Act July 11, 1956, substituted "one hundred and eighty" for "thirty" preceding the words "days before the date the insured entered into the military service".

EFFECTIVE DATE OF 1956 AMENDMENT

Section 2 of act July 11, 1956, provided that the amendment to subsec. (a) should take effect with respect to applications for benefits made after July 11, 1956.

PRIOR PROVISIONS

Section 400 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read: "In this article the term 'policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article."

VETERANS' LIFE INSURANCE REFUNDS

Pub. L. 85-586, Aug. 1, 1958, 72 Stat. 487, authorized the Administrator of Veterans' Affairs to make refunds, without interest, which are due on account of amounts collected by the United States Government by offset or otherwise from persons who made valid application for and were legally entitled to the protection of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, former sections 540-554 of this Appendix, as it existed prior to the amendments of October 6, 1942, application to be made to the Veterans' Administration, within two years after Aug. 1, 1958 and authorized appropiration of additional sums for such purposes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 536, 541 to 548 and 560 to 590 of this Appendix.

§ 541. Persons entitled to benefits of article; applications; amount of insurance protected.

The benefits and privileges of this article [sections 540 to 548 of this Appendix] shall apply to any insured, when such insured, or a person designated by him, or, in case the insured is outside the continental United States (excluding Alaska and the Panama Canal Zone), a beneficiary, shall make written application for protection under this article [said sections], unless the Administrator of Veterans' Affairs in passing upon such application as provided in this article [said sections] shall find that the policy is not entitled to protection hereunder. The Veterans' Administration shall give notice to the military and naval authorities of the provisions of this article [said sections], and shall include in such notice an explanation of such provisions for the information of those desiring to make application for the benefits thereof. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration. The total

amount of insurance on the life of one insured under policies protected by the provisions of this article [said sections] shall not exceed $10,000. If an insured makes application for protection of policies on his life totaling insurance in excess of $10,000, the Administrator is authorized to have the amount of insurance divided into two or more policies so that the protection of this article [said sections] may be extended to include policies for a total amount of insurance not to exceed $10,000, and a policy which affords the best security to the Government shall be given preference. (Oct. 17, 1940, ch. 888, § 401, 54 Stat. 1183; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 774.)

PRIOR PROVISIONS

Section 401 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"(1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 540, 548 to 548 and 560 to 590 of this Appendix.

§ 542. Form of application; reports to Veterans' Administration by insurer; policy deemed modified upon application for protection.

Any writing signed by the insured and identifying the policy and the insurer, and agreeing that his rights under the policy are subject to and modified by the provisions of this article [sections 540 to 548 of this Appendix], shall be sufficient as an application for the benefits of this article [said sections], but the Veterans' Administration may require the insured and insurer to execute such other forms as may be deemed advisable. Upon receipt of the application of the insured the insurer shall furnish such report to the Veterans' Administration concerning the policy as shall be prescribed by regulations. The insured who has made application for protection under this article [said sections] and the insurer shall be deemed to have agreed to such modification of the policy as may be required to give this article [said sections] full force and effect with respect to such policy. (Oct. 17, 1940, ch. 888, § 402, 54 Stat. 1183; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 774.)

PRIOR PROVISIONS

Section 402 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"The benefits of this act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this act or not less than thirty days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 541, 543 to 548 and 560 to 590 of this Appendix.

§ 543. Determination of policies entitled to protection; notice to parties; lapse of policies for nonpayment of premiums, etc.

The Administrator of Veterans' Affairs shall find whether the policy is entitled to protection under this article [sections 540 to 548 of this Appendix] and shall notify the insured and the insurer of such finding. Any policy found by the Administrator of Veterans' Affairs to be entitled to protection under this article [said sections] shall not, subsequent to date of application, and during the period of military service of the insured or during two years after the expiration of such service, lapse or otherwise terminate or be forfeited for the nonpayment of a premium becoming due and payable, or the nonpayment of any indebtedness or interest. (Oct. 17, 1940, ch. 888, § 403, 54 Stat. 1184; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

PRIOR PROVISIONS

Section 403 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402 [section 542 of this Appendix]; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 542, 544 to 548 and 560 to 590 of this Appendix.

§ 544. Rights and privileges of insured during period of protection.

No dividend or other monetary benefit under a policy shall be paid to an insured or used to purchase dividend additions while a policy is protected by the provisions of this article [sections 540 to 548 of this Appendix] except with the consent and approval of the Veterans' Administration. If such consent is not procured, such dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with

the insurer. No cash value, loan value, or withdrawal of dividend accumulation, or unearned premium, or other value of similar character shall be available to the insured while the policy is protected under this article [said sections] except upon approval by the Veterans' Administration. The insured's right to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this article [said sections]. (Oct. 17, 1940, ch. 888, § 404, 54 Stat. 1184; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

PRIOR PROVISIONS

Section 404 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940, as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 543, 545 to 548 and 560 to 590 of this Appendix.

§ 545. Deduction of unpaid premiums upon settlement of policies maturing during protection.

In the event of maturity of a policy as a death claim or otherwise before the expiration of the period of protection under the provisions of this article [sections 540 to 548 of this Appendix], the insurer in making settlement will deduct from the amount of insurance the premiums guaranteed under this article [said sections], together with interest thereon at the rate fixed in the policy for policy loans. If no rate of interest is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the Act [sections 501 to 548 and 560 to 590 of this Appendix] was issued. The amount deducted by reason of the protection afforded by this article [sections 540 to 548 of this Appendix] shall be reported by the insurer to the Administrator of Veterans' Affairs. (Oct. 17, 1940, ch. 888, § 405, 54 Stat. 1184; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

PRIOR PROVISIONS

Section 405 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: Provided, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 544, 546 to 548 and 560 to 590 of this Appendix.

§ 546. Guaranty of premiums and interest by United States; settlement of amounts due upon expiration of protection; subrogation of United States; crediting debt repayments.

Payment of premiums and interest thereon at the rate specified in section 405 hereof [section 545 of this Appendix] becoming due on a policy while protected under the provisions of this article [sections 540 to 548 of this Appendix] is guaranteed by the United States, and if the amount so guaranteed is not paid to the insurer prior to the expiration of the period of insurance protection under this article [said sections], the amount then due shall be treated by the insurer as a policy loan on such policy, but if at the expiration of said period the cash surrender value is less than the amount then due, the policy shall then cease and terminate and the United States shall pay the insurer the difference between such amount and the cash surrender value. The amount paid by the United States to an insurer on account of applications approved under the provisions of this article, as amended [said sections], shall become a debt due to the United States by the insured on whose account payment was made and, notwithstanding any other Act, such amount may be collected either by deduction from any amount due said insured by the United States or as otherwise authorized by law. Any moneys received as repayment of debts incurred under this article, as originally enacted and as amended [said sections], shall be credited to the appropriation for the payment of claims under this article [said sections]. (Oct. 17, 1940, ch. 888, § 406, 54 Stat. 1184; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775; Apr. 3, 1948, ch. 170, § 6, 62 Stat. 160.)

AMENDMENTS

1948—Act Apr. 3, 1948, added last sentence to section.

PRIOR PROVISIONS

Section 406 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940 as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"Within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration

has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference."

CROSS REFERENCES

Termination of war for purposes of sections 540—548 of this Appendix, see note to section 584 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 545, 547, 548 and 560 to 590 of this Appendix.

§ 547. Regulations; finality of determinations.

The Administrator of Veterans' Affairs is authorized and directed to provide by regulations for such rules of procedure and forms as he may deem advisable in carrying out the provisions of this article [sections 540 to 548 of this Appendix]. The findings of fact and conclusions of law made by the Administrator of Veterans' Affairs in administering the provisions of this article [said sections] shall be final, and shall not be subject to review by any other official or agency of the Government. (Oct. 17, 1940, ch. 888, § 407, 54 Stat. 1185; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775; Sept. 2, 1958, Pub. L. 85-857, § 14(76), 72 Stat. 1272.)

PRIOR PROVISIONS

Section 407 of act Oct. 17, 1940, as originally enacted, which, by the provisions of section 408 of act Oct. 17, 1940, as amended and incorporated in section 548 of this Appendix, is continued in force as to applications for protection executed prior to Oct. 6, 1942, read:

"The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof [section 551 of this Appendix], and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article."

AMENDMENTS

1958—Pub. L. 85-857 eliminated provisions which required the Administrator of Veterans' Affairs to report annually to the Congress on the administration of sections 540—548 of this Appendix. See section 214 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 546, 548 and 560 to 590 of this Appendix.

§ 548. Law governing applications for protection prior to October 6, 1942.

(1) The provisions of this article [sections 540—548 of this Appendix] in force immediately prior to the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 [Act Oct. 6, 1942, which, among other things, amended this article generally] (hereinafter in this section called "such provisions") shall remain in full force and effect with respect to all valid applications for protection executed prior to the date of enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 [Oct. 6, 1942] and all policies to which such applications pertain shall continue to be entitled to the protection granted thereby.

(2) Any insurer under a policy accepted under such provisions shall, subject to the approval of the Administrator of Veterans' Affairs and upon complete surrender by it to the United States, within ninety days after the date of enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 [Oct. 6, 1942], of all certificates issued in accordance with such provisions together with all right to payment thereunder, be entitled to the guarantee of unpaid premiums and interest thereon and the mode of settlement for such policies as provided by this article, as amended [sections 540 to 548 of this Appendix]. The privileges and benefits granted by the foregoing sentence shall be in lieu of the method of settlement, and the requirement for accounts and reports prescribed by such provisions. In the event any such insurer fails to surrender within the said ninety days all such certificates and rights to payment, the accounts, reports, and settlements required to be made by such insurer under such provisions shall continue to be made as required and shall be governed by such provisions. (Oct. 17, 1940, ch. 888, § 408, 54 Stat. 1185; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 776.)

REFERENCES IN TEXT

The provisions of this article in force immediately prior to the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942, referred to in text, are set out in notes under sections 540—548 and 549—554 of this Appendix.

The Soldiers' and Sailors' Civil Relief Act Amendments of 1942, referred to in the text, amended, among other sections, this section. For other sections affected, see note under section 501 of this Appendix.

PRIOR PROVISIONS

Section 408 of act Oct. 17, 1940, as originally enacted, continued in force by this section as amended by act Oct. 6, 1942, read: "The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 547 and 560 to 590 of this Appendix.

§§ 549 to 554. Omitted.

CODIFICATION

Sections 549—554 of this Appendix were omitted from "Article IV—Insurance" in the general amendment thereof by act Oct. 6, 1942, ch. 581, § 13, 56 Stat. 773. They were from sections 409—414, respectively, of act Oct. 17, 1940, ch. 888, 54 Stat. 1185, 1186, and read:

"§ 549. *Deduction of unpaid premiums from proceeds of policies.* In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid. Oct. 17, 1940, ch. 888 § 409, 54 Stat. 1185.

"§ 550. *Lapsing of policy for failure to pay past due premiums upon termination of service.* If the insured

does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided,* That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force Oct. 17, 1940, ch. 888, § 410, 54 Stat. 1185.

"§ 551. *Accounts stated between insurers and United States.* At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410 [section 550 of this Appendix], but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans. Oct. 17, 1940, ch. 888, § 411, 54 Stat. 1185.

"§ 552. *Payment of balances due insurers by Secretary of Treasury.* The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article. Oct. 17, 1940, ch. 888, § 412, 54 Stat. 1185.

"§ 553. *Policies excepted from application of article.* This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium. Oct. 17, 1940, ch. 888, § 413, 54 Stat. 1186.

"§ 554. *Insurers within application of article.* This article shall apply only to insurance companies or associations which are required, by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service. Oct. 17, 1940, ch. 888, § 414, 54 Stat. 1186."

ARTICLE V.—TAXES AND PUBLIC LANDS

§ 560. Taxes respecting personalty, money, credits, or realty; sale of property to enforce collection; redemption of property sold; penalty for nonpayment; notice of rights to beneficiaries of section.

(1) The provisions of this section shall apply when any taxes or assessments, whether general or special (other than taxes on income), whether falling due prior to or during the period of military service, in respect of personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in military service or his dependents at the commencent of his period of military service and still so occupied by his dependents or employees are not paid.

(2) No sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon application made therefor by the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments. The court thereupon, unless in its opinion the ability of the person in military service to pay such taxes or assessments is not materially affected by reason of such service, may stay such proceedings or such sale, as provided in this Act [sections 501 to 548 and 560 to 590 of this Appendix], for a period extending not more than six months after the termination of the period of military service of such person.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act [said sections] ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon. (Oct. 17, 1940, ch. 888, § 500, 54 Stat. 1186; Oct. 6, 1942, ch. 581, § 14, 56 Stat. 776.)

AMENDMENTS

1942—Subsec. (1). Act Oct. 6, 1942, inserted parenthetical clause excepting income taxes, included taxes and assessments falling due prior to period of military service, and extended benefits to cover personal property, money, or credits, and real property owned and occupied for professional purposes.

Subsec. (2). Act Oct. 6, 1942, § 14(a), amended section generally.

Subsec. (5). Act Oct. 6, 1942, § 14(b), repealed subsec. (5), which required the Secretaries of War, Navy, and Treasury to give notice of the benefits of this section to persons in the military service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548 and 561 to 590 of this Appendix.

§ 561. Rights to public lands not forfeited; grazing lands.

(1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269) [sections 315 to 315g, 315h to 315m, 315n, 315o-1 and 1171 of Title 43] enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

(3) This section shall not be construed to control specific requirements contained in this article [sections 560 to 574 of this Appendix]. (Oct. 17, 1940, ch. 888, § 501, 54 Stat. 1187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 and 562 to 590 of this Appendix.

§ 562. Homestead entries and settlement claims; service as equivalent to residence and cultivation.

If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act [Oct. 17, 1940] no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act [Oct. 17, 1940] that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year. (Oct. 17, 1940, ch. 888, § 502, 54 Stat. 1187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560, 561 and 563 to 590 of this Appendix.

§ 563. Same; death or incapacity during or resulting from service as affecting rights; perfection of rights.

(1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act [section 562 of this Appendix].

(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

(3) The Act of July 28, 1917 (40 Stat. 248) [sections 241 and 242 of Title 43], is repealed. (Oct. 17, 1940, ch. 888, § 503, 54 Stat. 1187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 562 and 564 to 590 of this Appendix.

§ 564. Desert-land entries; suspension of requirements.

(1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act [Oct. 17, 1940] or within six months after his entrance into military service. file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section. (Oct. 17, 1940, ch. 888, § 504, 54 Stat. 1187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 563 and 565 to 590 of this Appendix.

§ 565. Mining claims; requirements suspended.

(1) The provisions of section 2324 of the Revised Statutes of the United States [section 28 of Title 30], which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period

of such military service, or until six months after the termination of such service or of such hospitalization.

(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section. (Oct. 17, 1940, ch. 888, § 505, 54 Stat. 1188.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 564 and 566 to 590 of this Appendix.

§ 566. Mineral permits and leases; suspension of operations and term of permits and leases.

(1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act [Oct. 17, 1940], or six months after his entrance into military service, notify the Bureau of Land Management by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease. (Oct. 17, 1940, ch. 888, § 506, 54 Stat. 1188; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

"Bureau of Land Management" was substituted for "General Land Office" on authority of 1946 Reorg. Plan No. 3, set out as a note under section 1 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 565 and 567 to 590 of this Appendix.

§ 567. Right to take action for perfection, defense, etc., of rights as unaffected; affidavits and proofs.

Nothing in this article [sections 560 to 574 of this Appendix] shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the Bureau of Land Management in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before an officer designated by the Secretary of the Interior of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive [sections 561—572 of this Appendix]. (Oct. 17, 1940, ch. 888, § 507, 54 Stat. 1188; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

"Bureau of Land Management" was substituted for "General Land Office" and "an officer designated by the Secretary of the Interior" for "a register" on authority of 1946 Reorg. Plan No. 3, set out as a note under section 1 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 566 and 568 to 590 of this Appendix.

§ 568. Irrigation rights; residence requirements suspended.

The Secretary of the Interior is authorized, in his discretion, to suspend as to persons in military service during the period while this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the "Reclamation Act" requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same [section 431 of Title 43], and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper. (Oct. 17, 1940, ch. 888, § 508, 54 Stat. 1189.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 567 and 569 to 590 of this Appendix.

§ 569. Distribution of information concerning benefits of article; forms.

The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article [sections 560 to 574 of this Appendix] except as to sections 500, 513, and 514 hereof [sections 560, 573 and 574 of this Appendix] and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said sections. (Oct. 17, 1940, ch. 888, § 509, 54 Stat. 1189; Oct. 6, 1942, ch. 581, § 15, 56 Stat. 776.)

AMENDMENTS

1942—Act Oct. 6, 1942, substituted "sections 500, 513, and 514" for "section 500" and "sections" for "section" at end of section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 568 and 570 to 590 of this Appendix.

§ 570. Homestead entrymen permitted to leave entries to perform farm labor.

(1) During the pendency of any war in which the United States may be engaged while this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the

purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act [Oct. 17, 1940]. (Oct. 17, 1940, ch. 888, § 510, 54 Stat. 1189.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 569 and 571 to 590 of this Appendix.

§ 571. Land rights of persons under 21.

Any person under the age of twenty-one who serves in the military service while this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated. (Oct. 17, 1940, ch. 888, § 511, 54 Stat. 1189.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 570 and 572 to 590 of this Appendix.

§ 572. Extension of benefits to persons serving with war allies of United States.

Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act [sections 501 to 548 and 560 to 590 of this Appendix] remains in force shall be entitled to the relief and benefits afforded by sections 501 to 511, inclusive [sections 561 to 571 of ths Appendix], if such service is similar to military service as defined in this Act [sections 501 to 548 and 560 to 590 of ths Appendix], and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service. (Oct. 17, 1940, ch. 888, § 512, 54 Stat. 1190; Oct. 6, 1942, ch. 581, § 16, 56 Stat. 776.)

AMENDMENTS

1942—Act Oct. 6, 1942, substituted "sections 501 to 511, inclusive" for "this article."

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 571 and 574 to 590 of this Appendix.

§ 573. Income taxes; collection deferred; interest; statute of limitations.

The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act. (Oct. 17, 1940, ch. 888, § 513, 54 Stat. 1190.)

REFERENCES IN TEXT

Section 1400 of the Federal Insurance Contributions Act, referred to in the text, is a reference to section 1400 of Title 26, I.R.C. 1939, which was repealed by section 7851 of Title 26, I.R.C. 1954, and is now covered by section 3101 of Title 26, I.R.C. 1954. For provision deeming a reference in other laws to a provision of I.R.C. 1939, also as a reference to corresponding provision of I.R.C. 1954, see section 7852(b) of Title 26, I.R.C. 1954.

FORMER PROVISIONS FOR ABATEMENT OF TAX

Internal Revenue Code, § 421, as added by act June 9, 1943, 7 p. m., E. W. T., ch. 120, § 8, 57 Stat. 149, and amended by acts Aug. 5, 1947, ch. 496, § 1, 61 Stat. 778; Aug. 8, 1947, ch. 515, § 9, 61 Stat. 918 (section 421 of Title 26, I.R.C. 1939), provided for abatement of income tax for members of armed forces dying on or after December 7, 1941, while in active service and prior to January 1, 1948. These provisions were omitted in the general amendment of that section by act Sept. 23, 1950, 3:15 p.m., E.D.T., ch. 994, title III, part I, § 301, 64 Stat. 947.

EXTENSION OF DUE DATE UNDER OTHER LAWS

Section 507 (b) (2) (A) of the Revenue Act of 1942, act Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, 56 Stat. 964, provided: "The amendments made by this section [adding sections 3804 and 3805 of Title 26, I.R.C. 1939, and adding section 527 of this Appendix] shall not be construed to shorten any period fixed under the provisions of section 513 of the Soldiers' and Sailors' Civil Relief Act of 1940 [this section] within which any act may be done, except that any action or proceeding authorized under section 3804(d)(1) of the Internal Revenue Code [Title 26, I.R.C. 1939], as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 572 and 574 to 590 of this Appendix.

§ 574. Residence for tax purposes.

(1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income, or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or district. Where the owner of personal property is absent from his residence or domicile solely by reason of compliance with military or naval orders, this section applies with respect to personal property, or the use thereof, within any tax jurisdiction other than such place of residence or domicile, regardless of where the owner may be serving in compliance with such orders: *Provided,* That nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction. This section shall be effective as of September 8, 1939, except that it shall not require the crediting or refunding of any tax paid prior to October 6, 1942.

(2) When used in this section, (a) the term "personal property" shall include tangible and intangible property (including motor vehicles), and (b) the term "taxation" shall include but not be limited to licenses, fees, or excises imposed in respect to motor vehicles or the use thereof: *Provided,* That the license, fee, or excise required by the State, Territory, possession, or District of Columbia of which the person is a resident or in which he is domiciled has been paid. (Oct. 17, 1940, ch. 888, § 514, as added Oct. 6, 1942, ch. 581, § 17, 56 Stat. 777, and amended July 3, 1944, ch. 397, § 1, 58 Stat. 722; Oct. 9, 1962, Pub. L. 87-771, 76 Stat. 768.)

AMENDMENTS

1962—Pub. L. 87-771 inserted sentence in par. (1) making this section applicable with respect to personal property, or the use thereof, within any tax jurisdiction other than the place of residence or domicile, regardless of where the owner may be serving in compliance with military or naval orders where the owner of personal property is absent from his residence or domicile solely by reason of compliance with such orders.

1944—Act July 3, 1944, added "personal" preceding "property" in first sentence, "personal property", preceding "income or gross income", "and personal property shall * * * other has jurisdiction" following "or District" in second sentence, and substituted "October 6, 1942" for "the date of the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942" in the third sentence.

CREDITING OR REFUNDING TANGIBLE PERSONAL PROPERTY TAX

Section 2 of act July 3, 1944, provided: "Nothing contained in this Act [this section] shall be construed to require the crediting or refunding of any tax in respect of tangible personal property (including licenses, fees, or excise imposed in respect of motor vehicles or the use thereof) paid prior to the date of its enactment. [July 3, 1944]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 573 and 580 to 590 of this Appendix.

ARTICLE VI.—ADMINISTRATIVE REMEDIES

§ 580. Transfers to take advantage of act.

Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act [Oct. 17, 1940] been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act [sections 501 to 548 and 560 to 590 of this Appendix], the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act [said sections] to the contrary notwithstanding. (Oct. 17, 1940, ch. 888, § 600, 54 Stat. 1190.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 574 and 581 to 590 of this title.

§ 581. Certificates of service; persons reported missing.

(1) In any proceedng under this Act [sections 501 to 548 and 560 to 590 of this Appendix] a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of Naval Personnel as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of the Army or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided,* That no period herein limited which begins or ends with the death of such person shall be extended beyond a period of six months after the time when this Act [said sections] ceases to be in force. (Oct. 17, 1940, ch. 888, § 601, 54 Stat. 1190; Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10; May 13, 1942, ch. 303, § 1, 56 Stat. 276.)

REFERENCES IN TEXT

The time when this Act ceases to be in force, referred to in subdivision (3), is defined in section 584 of this title.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CHANGE OF NAME

"Chief of the Bureau of Navigation of the Navy Department" was changed to "Chief of Naval Personnel" under authority of act May 13, 1942.

Act Jan. 20, 1942, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

AIR FORCE

For transfer of certain functions relating to military records, insofar as they pertain to military personnel of the Department of the Air Force, from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 20 [§ 1e], Aug. 12, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 580 and 582 to 590 of this title.

§ 582. Revocation, etc., of interlocutory orders.

Any interlocutory order made by any court under the provisions of this Act [sections 501 to 548 and 560 to 590 of this Appendix] may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require. (Oct. 17, 1940, ch. 888, § 602, 54 Stat. 1191.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 581 and 583 to 590 of this title.

§ 583. Separability of provisions.

If any provision of this Act [sections 501 to 548 and 560 to 590 of this Appendix], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act [said sections], and the application of such provision to other persons or circumstances, shall not be affected thereby. (Oct. 17, 1940, ch. 888, § 603, 54 Stat. 1191.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 582 and 584 to 590 of this title.

§ 584. Termination date.

This Act [sections 501 to 548 and 560 to 590 of this Appendix] shall remain in force until May 15, 1945: *Provided,* That should the United States be then engaged in a war, this Act [said sections] shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further,* That wherever under any section or provision of this Act [said sections] a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act [said sections], such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction. (Oct. 17, 1940, ch. 888, § 604, 54 Stat. 1191.)

EXTENSION OF ACT

Notwithstanding the provisions of Joint Res. July 25, 1947, set out in a note under this section, this entire act, sections 501—548 and 560—590 of this Appendix, are in force and effect and shall so remain until a subsequent Act of Congress terminates them, under the provisions of section 464 of this Appendix.

TERMINATION OF WAR

Joint Res. July 25, 1947, ch. 327, § 4, 61 Stat. 454, provided: "For the purposes of article IV of the Act of October 17, 1940 (54 Stat. 1183—1186), as amended [sections 540—548 of this Appendix], the present war shall be deemed to have terminated within the meaning of section 604 (54 Stat. 1191) of the said Act [this section], as of the effective date of this joint resolution [July 25, 1947]".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548, 560 to 583 and 585 to 590 of this title.

§ 585. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1918.

CODIFICATION

Section, act Oct. 17, 1940, ch. 888, § 605, 54 Stat. 1191, related to the inapplicability of the Soldiers' and Sailors' Relief Act of 1918, former section 101 et seq. of this Appendix, to military service performed after Oct. 17, 1940.

ARTICLE VII.—FURTHER RELIEF

§ 590. Stay of enforcement of obligations, liabilities, taxes, etc.

(1) A person may, at any time during his period of military service or within six months thereafter, apply to a court for relief in respect of any obligation or liability incurred by such person prior to his period of military service or in respect of any tax or assessment whether falling due prior to or during his period of military service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected

by reason of his military service, may grant the following relief:

(a) In the case of an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, a stay of the enforcement of such obligation during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period equal to the period of the remaining life of the installment contract or other instrument plus a period of time equal to the period of military service of the applicant, or any part of such combined period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, as the case may be, in equal installments during such combined period at such rate of interest on the unpaid balance as is prescribed in such contract, or other instrument evidencing the obligation, for installments paid when due, and subject to such other terms as may be just.

(b) In the case of any other obligation, liability, tax, or assessment, a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period of time equal to the period of military service of the applicant or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of such period of military service or the date of application, as the case may be, in equal periodic installments during such extended period at such rate of interest as may be prescribed for such obligation, liability, tax, or assessment, if paid when due, and subject to such other terms as may be just.

(2) When any court has granted a stay as provided in this section no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which such stay was granted. (Oct. 17, 1940, ch. 888, § 700, as added Oct. 6, 1942, ch. 581, § 18, 56 Stat. 777.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 510 to 548 and 560 to 585 of this title.

FIRST WAR POWERS ACT, 1941

ACT DEC. 18, 1941, CH. 593, 55 STAT. 838

TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

§§ 601 to 605. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Sections, act Dec. 18, 1941, ch. 593, title I, §§ 1-5, 55 Stat. 838, 839, related to coordination of executive bureaus, offices, etc., in the interest of more efficient concentration of the Government, consolidation of offices, expenditure of appropriations for bureaus, offices, etc., Presidential recommendation to Congress for elimination of certain bureaus, offices, etc., and to suspension of conflicting laws.

TITLE II.—CONTRACTS

§ 611. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section, acts Dec. 18, 1941, ch. 593, title II, § 201, 55 Stat. 839; Jan. 12, 1951, ch. 1230, § 1, 64 Stat. 1257, related to exemption of war contracts from certain restrictions.

TITLE III.—TRADING WITH THE ENEMY

§ 616. Amendment of section 5 of this Appendix and section 95a of Title 12.

CODIFICATION

Section, act Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839, has been omitted as executed.

§ 617. Repealed. Pub. L. 89-554, 8(a), Sept. 6, 1966, 80 Stat. 651.

Section, act Dec. 18, 1941, ch. 593, title III, § 302, 55 Stat. 840, confirmed certain acts, etc., made under the Trading with the Enemy Act.

§ 618. Repealed. July 5, 1947, ch. 327, § 1, 61 Stat. 449.

Section, act Dec. 18, 1941, ch. 593, title III, § 303, 55 Stat. 840, related to censorship of communications during World War II and penalties and forfeitures for violations thereof.

§§ 619, 620. Omitted.

CODIFICATION

Section 619, act Dec. 18, 1941, ch. 593, title III, § 304, as added Mar. 8, 1946, ch. 83, § 1, 60 Stat. 50, was omitted as its provisions are incorporated in section 32 of this Appendix.

Section 620, act Dec. 18, 1941, ch. 593, title III, § 305, as added Aug. 8, 1946, ch. 878, § 1, 60 Stat. 925, was omitted as its provisions are incorporated in sections 33—37 of this Appendix.

TITLE IV.—TIME LIMIT AND SHORT TITLE

§§ 621, 622. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Sections, act Dec. 18, 1941, ch. 593, title IV, §§ 401, 402, 55 Stat. 841, provided for the termination of sections 601-605 of this Appendix and contained the short title for former sections 601-605, 611, and 616-622 of this Appendix, the "First War Powers Act, 1941," respectively.

SECOND WAR POWERS ACT, 1942

ACT MAR. 27, 1942, CH. 199, 56 STAT. 176

TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

Sec.

631 to 631b. Omitted.

TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

632, 632a. Omitted.

TITLE III.—PRIORITIES POWERS

633. Amendment of section 1152 of this Appendix.

TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

634. Federal Reserve Act amendment.

TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

635. Authorization of waiver by responsible department or agency head.

TITLE VI.—POWER TO REQUISITION

636, 636a. Omitted.

TITLE VII.—POLITICAL ACTIVITY

637. Amendment of section 1181 of Title 5.

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

Sec.
638. Repealed.

TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

639, 639a. Repealed.

TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

640. Repealed.

TITLE XI.—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

641 to 641f. Repealed.

TITLE XII.—COINAGE OF 5-CENT PIECES

642 to 642e. Omitted.

TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS

643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.
643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.
643b. Refusal to give evidence, etc.; assistance of courts; penalties.
643c. Definition of person.

TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

644 to 644b. Omitted.

TITLE XV.—TIME LIMIT AND SHORT TITLE

645. Termination of portions of Act
645a. Short title of Act.
645b. Establishment of price and rent controls.

TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

§§ 631 to 631b. Omitted.

CODIFICATION

Sections, act Mar. 27, 1942, ch. 199, title I, §§ 101, 102, 103, 56 Stat. 177, which amended sections 304, 310a and 911, respectively, of Title 49, Transportation, terminated Mar. 31, 1947, under section 645 of this Appendix.

TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

§§ 632, 632a. Omitted.

CODIFICATION

Section 632, act Mar. 27, 1942, ch. 199, title II, § 201, 56 Stat. 177, added section 2 to act July 2, 1917, ch. 35, former section 171a of Title 50, authorizing the acquisition and disposition of property for military, naval, or other war purposes.

Section 632a, act Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title II, § 202, as added Dec. 28, 1945, ch. 590, § 1 (a), 59 Stat. 658, provided that the authority granted by section 2 of act July 2, 1917, should not be exercised after Dec. 28, 1945.

The following Executive Orders related to the exercise of authority under former section 632: No. 9129, Apr. 13, 1942, 7 F. R. 2810; No. 9150, Apr. 28, 1942, 7 F. R. 3217; No. 9186, June 5, 1942, 7 F. R. 4317; No. 9194, July 7, 1942, 7 F. R. 5257; No. 9211, Aug. 1, 1942, 7 F. R. 6030; No. 9217, Aug. 7, 1942, 7 F. R. 6177; No. 9218, Aug. 11, 1942, 7 F. R. 6381; No. 9249, Oct. 1, 1942, 7 F. R. 7874; No. 9280, Dec. 5, 1942, 7 F. R. 10179; No. 9321, Mar. 25, 1943, 8 F. R. 3749, and President's letter of July 31, 1943, 8 F. R. 10702.

TITLE III.—PRIORITIES POWERS

§ 633. Amendment of section 1152 of this Appendix.

CODIFICATION

Section, acts Mar. 27, 1942, ch. 199, title III, § 301, 56 Stat. 177; Dec. 20, 1944, ch. 614, 58 Stat. 827; Aug. 7, 1946, ch. 770, § 1 (26), (31), 60 Stat. 868 has been omitted as its provisions are incorporated in section 1152(a) of this Appendix. See section 1152 of this Appendix and notes thereunder.

TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

§ 634. Federal Reserve Act amendment.

CODIFICATION

Section, act Mar. 27, 1942, ch. 199, title IV, § 401, 56 Stat. 180, which amended section 355 (b) of Title 12, Banks and Banking, expired Mar. 31, 1947, under the provisions of section 645 of this Appendix.

TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

§ 635. Authorization of waiver by responsible department or agency head.

CODIFICATION

Section, act Mar. 27, 1942, ch. 199, title V, § 501, 56 Stat. 180, authorizing waiver of navigation and inspection laws expired Mar. 31, 1947, under the provisions of section 645 of this Appendix.

VESSELS OF WAR SHIPPING ADMINISTRATION AND THOSE TRAVELLING BETWEEN PUERTO RICO AND UNITED STATES

Treasury Decisions No. 50756, Oct. 30, 1942, 7 F. R. 9005 and No. 50811, Feb. 5, 1943, 8 F. R. 1757 related respectively to those vessels.

TITLE VI.—POWER TO REQUISITION

§§ 636, 636a. Omitted.

CODIFICATION

Sections, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, §§ 601, 602, 56 Stat. 181, omitted since section 721 of this Appendix, which they amended, expired on June 30, 1946, by its own terms.

TITLE VII.—POLITICAL ACTIVITY

§ 637. Amendment of section 118i of Title 5.

CODIFICATION

Section, act Mar. 27, 1942, ch. 199, title VII, § 701, 56 Stat. 181, has been omitted as executed.

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

§ 638. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section, act Mar. 27, 1942, ch. 199, title VIII, § 801, 56 Stat. 181, related to the utilization of the Civilian Conservation Corps and had been omitted under the authority of acts July 2, 1942, ch. 475, title II, 56 Stat. 569, and July 13, 1943, ch. 221, title II, 57 Stat. 498, which provided for liquidation of Civilian Conservation Corps on or before June 30, 1940.

TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

§ 639. Repealed. Dec. 28, 1945, ch. 590, § 1 (b), 59 Stat. 658.

Section, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 190, title IX, § 901, 56 Stat. 181, related to free postage for members of the armed forces.

§ 639a. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act Oct. 6, 1945, ch. 393, § 10, 59 Stat. 542, related to first class mail matter for members of the armed forces and termination date, and is now covered by sections 891 and 892 of this Appendix.

TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

§ 640. Repealed. June 27, 1952, ch. 477, title IV, § 403 (a) (42), 66 Stat. 280.

Section, acts Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182; Dec. 28, 1945, ch. 590, § 1 (c), 59 Stat. 658, were amendments to the Nationality Act of 1940 which were formerly classified to sections 1001—1006 of Title 8, Aliens and Nationality, (relating to naturalization of persons serving in the armed forces of the United States during World War II) and which are now covered by section 1440 of Title 8.

TITLE XI.—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

§§ 641 to 641f. Repealed. June 29, 1946, ch. 526, § 1, 60 Stat. 345.

Section 641, act Mar. 27, 1942, 3 p. m., E. W. T. ch. 199, title XI, § 1101, 56 Stat. 183, related to acceptance by Secretary of Treasury of gifts for war purposes.

Section 641a, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1102, 56 Stat. 183, related to conversion of gift property into money.

Section 641b, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1103, 56 Stat. 183, related to deposit of moneys in War Contributions Fund.

Section 641c, act Mar. 27, 1942, 3 p. m., E. W. T. ch. 199, title XI, § 1104, 56 Stat. 183, related to allocation of deposits to pertinent appropriations.

Section 641d, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1105, 56 Stat. 184, related to reports to Congress.

Section 641e, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1106, 56 Stat. 184, related to penalties for wrongful solicitation or use of gifts. That section was also repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862. Similar provisions are contained in section 663 of Title 18, Crimes and Criminal Procedure.

Section 641f, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1107, as added by act Dec. 28, 1945, ch. 590, § 1 (d), 59 Stat. 658, limited scope of authority granted by these sections to the personnel of the armed forces stationed abroad.

TITLE XII.—COINAGE OF 5-CENT PIECES

§§ 642 to 642e. Omitted.

CODIFICATION

Section 642, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1201, 56 Stat. 184; Dec. 28, 1945, ch. 590, § 1 (e), 59 Stat. 658, which related to temporary coinage of silver and copper 5-cent pieces, expired Dec. 31, 1945, by its own terms.

Sections 642a—642c, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, §§ 1202—1204, 56 Stat. 184, which related to allocation of silver bullion, accounting for allocations and gain, standard of ingots and weight of coins, and 5-cent pieces deemed copper for certain purposes, were omitted on the expiration of section 642 of this Appendix to which these sections referred.

Section 642d, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1205, 56 Stat. 184; Dec. 28, 1945, ch. 590, § 1 (e) 59 Stat. 658, which related to redemption, melting, and use of 5-cent pieces for subsidiary silver coinage, was omitted on the expiration of section 642 of this Appendix to which this section referred.

Section 642e, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1206, 56 Stat. 185, which related to the effective date of sections 642—642e of this Appendix, was omitted on the expiration of section 642 to which this section referred.

TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS

§ 643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.

The provisions of section 10 (*l*) of an Act approved July 2, 1926 (44 Stat. 787; section 310 (*l*) of Title 10) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war: *Provided,* That, for the purpose of this title [sections 643 to 643c of this Appendix], the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further,* That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board. (Mar. 27, 1942, ch. 199, title XIII, § 1301, 56 Stat. 185.)

REFERENCES IN TEXT

Section 10(*l*) of act July 2, 1926 (44 Stat. 787; section 310(*l*) of Title 10), referred to in the text, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is now covered by section 2276(a) of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

The War Production Board was terminated and its functions transferred to Civilian Production Administration by Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591. The Civilian Production Administration was consolidated, with other war agencies, into the Office of Temporary Controls by Ex. Ord. No. 9809, Dec. 12, 1946, 11 F.R. 14281. The Office of Temporary Controls was terminated by Ex. Ord. No. 9841, April 23, 1947, 12 F.R. 2645, the functions of the Civilian Production Administration being transferred for liquidation to Department of Commerce, effective May 1, 1947.

EXEMPTION OF FUNCTIONS

Functions with respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of Title 22, Foreign Relations and Intercourse.

CONTINUATION OF PROVISIONS UNTIL TERMINATION OF DEC. 16, 1950 NATIONAL EMERGENCY AND SIX MONTHS

Act June 30, 1953, ch. 169, 67 Stat. 120, provided: "That the Act of March 27, 1942 (56 Stat. 185, 186, ch. 199, secs. 1301—1304 [sections 643—643c of this Appendix]), as extended by subsection 1 (a) (2) of the Emergency Powers Continuation Act (Public Law 450, Eighty-second Congress), as amended, shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 C.F.R., 71 [set out as a note preceding section 1 of this Appendix]), notwithstanding any limitation by reference to war of the time during which the powers and authorizations therein granted may be exercised, or until such earlier date as may be provided by the Congress by concurrent resolution or by the President."

PRIOR CONTINUATION

Provisions of this section were previously extended to July 1, 1953 by Joint Res. July 3, 1952, ch. 570, § 1 (a) (2), 66 Stat. 331, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Act Apr. 4, 1953, ch. 21, § 2, 67 Stat. 23, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(18) which continued the effectiveness of this section until Apr. 1, 1953. Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54, as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

EX. ORD. NO. 9127. INSPECTION OF PLANTS AND AUDIT OF BOOKS OF DEFENSE CONTRACTORS

Ex. Ord. No. 9127, Apr. 10, 1942, 7 F. R. 2753, which provided for the inspection of plants and audit of books of defense contractors has been omitted as obsolete.

CROSS REFERENCES

National defense contracts, amendment and modification of, see sections 1431 et seq. of Title 50, War and National Defense.

War and defense contract acts generally, see section 1151 et seq. of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 643a, 643c, 1191 of this Appendix.

§ 643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.

For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301 [section 643 of this Appendix], any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such Agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title [sections 643 to 643c of this Appendix] which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, ch. 199, title ~~XIII, §~~ 1302, 56 Stat. 185; Oct. 15, 1970, Pub. L. 91–452, title II, § 248, 84 Stat. 931.)

AMENDMENTS

1970—Pub. L. 91–452 struck out the provisions which related to the immunity from prosecution of any individual compelled to testify or produce evidence, documentary or otherwise, after claiming his privilege against self-incrimination.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

The War Production Board was terminated and its functions transferred to Civilian Production Administration by Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591. The Civilian Production Administration was consolidated, with other war agencies, into the Office of Temporary Controls by Ex. Ord. No. 9809, Dec. 12, 1946, 11 F.R. 14281. The Office of Temporary Controls was terminated by Ex. Ord. No. 9841, Apr. 23, 1947, 12 F.R. 2645, the functions of the Civilian Production Administration being transferred for liquidation to Department of Commerce, effective May 1, 1947.

SAVINGS PROVISION

Amendment of Pub. L. 91–452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 643, 643c, 1191 of this Appendix.

§ 643b. Refusal to give evidence, etc.; assistance of courts; penalties.

In case of contempt by, or refusal to obey a subpena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or produce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to

do so, in obedience to the subpena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than $5,000, or to imprisonment for a term of not more than one year, or both. (Mar. 27, 1942, ch. 199, title XIII, § 1303, 56 Stat. 186.)

TRANSFER OF FUNCTIONS

The War Production Board was terminated and its functions transferred to Civilian Production Administration by Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591. The Civilian Production Administration was consolidated, with other war agencies, into the Office of Temporary Controls by Ex. Ord. No. 9809, Dec. 12, 1946, 11 F.R. 14281. The Office of Temporary Controls was terminated by Ex. Ord. No. 9841, Apr. 23, 1947, 12 F.R. 2645, the functions of the Civilian Production Administration being transferred for liquidation to Department of Commerce, effective May 1, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 643, 643a, 643c, 1191 of this Appendix.

§ 643c. Definition of person.

For purposes of this title [sections 643 to 643c of this Appendix] the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, ch. 199, title XIII, § 1304, 56 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 643, 643a, 1191 of this Appendix.

TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

§§ 644 to 644b. Omitted.

CODIFICATION

Sections, act Mar. 27, 1942, ch. 199, title XIV, §§ 1401—1403, 56 Stat. 186, relating to utilization of vital war information, expired Mar. 31, 1947, under the provisions of section 645 of this Appendix.

TITLE XV.—TIME LIMIT AND SHORT TITLE

§ 645. Termination of portions of Act.

(a) Except as otherwise provided by statute enacted during the Eightieth Congress (including the First Decontrol Act of 1947 and Public Law Numbered 145, approved June 30, 1947 [amending this section and former section 701 of this Appendix]) and except as otherwise provided by subsection (b) of this section, titles I, II, III, IV, V, VII, and XIV of this Act [former sections 631 to 635, 637, and 644 to 644b of this Appendix] and the amendments to existing law made by such titles shall remain in force only until March 31, 1947. After the amendments made by any such title cease to be in force, any provisions of law amended thereby (except subsection (a) of section 2 of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940, as amended [section 1152(a) of this Appendix]) shall be in full force and effect as though this Act [former sections 631 to 642e, sections 643 to 643c, former sections 644 to 644b and sections 645 to 645b of this Appendix] had not been enacted.

(b) Title III of this Act [section 1152(a) of this Appendix] and the amendments to existing law made by such title shall remain in force until the close of June 30, 1949, except as otherwise provided in subsection (b)(1)(A) of this section, for the exercise of the powers, authority, and discretion thereby conferred on the President, but limited to—

(1) the materials (and facilities suitable for the manufacture of such materials), as follows:

(A) Tin and tin products, except for the purpose of exercising import control of tin ores and tin concentrates, until the close of June 30, 1950;

(B) Antimony;

(C) Repealed. June 4, 1948, ch. 419, § 1, 62 Stat. 342.

(D) Materials for export required to expand or maintain the production in foreign countries of materials critically needed in the United States, for the purpose of establishing priority in production and delivery for export, and materials necessary for manufacture and delivery of the materials required for such export;

(E) Fats and oils (including oil-bearing materials, fatty acids, butter, soap, and soap powder, but excluding petroleum and petroleum products) and rice and rice products, for the purpose of exercising import control only; and nitrogenous fertilizer materials for the purposes of exercising import control and of establishing priority in production and delivery for export; and nitrogenous compounds (including anhydrous ammonia), in any form, necessary for the manufacture and delivery of the nitrogenous fertilizer materials required for such export: *Provided, however,* That 50 per centum of the export requirements of nitrogenous fertilizer materials to nonoccupied areas shall be supplied out of nitrogenous fertilizer materials or nitrogenous compounds (including anhydrous ammonia) produced in plants operated by or for the Department of the Army, and notwithstanding any other provision of law the Department of the Army is authorized to produce and sell such nitrogenous fertilizer materials and nitrogenous compounds (including anhydrous ammonia) to fill such 50 per centum of such export requirements;

(F) Materials (except foods and food products, manila (abaca) fiber and cordage, agave fiber and cordage, and fertilizer materials), including petroleum and petroleum products, required for export, but only upon certification by the Secretary of State that the prompt export of such materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, for the purpose of establishing priority in production and delivery for export, and materials necessary for the manufacture and delivery of the materials required for such export: *Provided,* That no such priority based on a certification by the Secretary of State shall be effective unless and until the Secretary of Commerce shall have satisfied himself that the proposed action will not have an unduly adverse effect on the domestic economy of the United States; and

(2) The use of transportation equipment and facilities by rail carriers.

(c) Notwithstanding the extension through June 30, 1950, made by subsection (b) of this section, the Congress by concurrent resolution or the President may designate an earlier time for the termination of any power, authority, or discretion under such title III [section 1152(a) of this Appendix]. Nothing in subsection (b) shall be construed to continue beyond July 15, 1947, any authority under paragraph (1) of subsection (a) of section 2 of the Act entitled "An Act to expedite national defense and for other purposes", approved June 28, 1940, as amended [section 1152(a) of this Appendix], to negotiate contracts with or without advertising or competitive bidding; and nothing contained in this section, as amended, shall affect the authority conferred by Public Law 24, Eightieth Congress, approved March 29, 1947, or the Sugar Control Extension Act of 1947 [former sections 981 to 985 of this Appendix and section 1001 of title 5]. (Mar. 27, 1942, ch. 199, title XV, § 1501, 56 Stat. 187; Dec. 20, 1944, ch. 614, 58 Stat. 827; Dec. 28, 1945, ch. 590, § 1(f), 59 Stat. 658; June 29, 1946, ch. 526, § 1, 60 Stat. 345; Mar. 31, 1947, ch. 29, § 3, 61 Stat. 34; June 30, 1947, ch. 184, § 1, 61 Stat. 214; July 15, 1947, ch. 248, § 3, 61 Stat. 322; Feb. 28, 1948, ch. 85, 62 Stat. 58; June 4, 1948, ch. 419, § 1, 62 Stat. 342; June 30, 1949, ch. 289, 63 Stat. 404.)

AMENDMENTS

1949—Subsec. (b). Act June 30, 1949, inserted "except as otherwise provided in subsection (b) (1) (A) of this section".

Subsec. (b) (1) (A). Act June 30, 1949, inserted ", until the close of June 30, 1950".

Subsec. (c). Act June 30, 1949, substituted "June 30, 1950" in lieu of "June 30, 1949".

1948—Act June 4, 1948, extended the section for a temporary period from May 31, 1948 to June 30, 1949, by striking out "May 31, 1948", and inserting "June 30, 1949" in subsecs. (b) and (c)." Act June 4, 1948, further amended subsec. (b) by repealing subdiv. (1)(C) which related to cinchona bark, quinine, and quinidine, and amending subdiv. (1)(E) to include authority to control nitrogenous compounds (including anhydrous ammonia.)

Act Feb. 28, 1948, extended the section for a temporary period from Feb. 29, 1948, to May 31, 1948, by striking out the section "February 29, 1948" in both subsecs. (b) and (c) and by inserting "the close of May 31, 1948" and "May 31, 1948", respectively.

1947—Act Mar. 31, 1947, extended title III [section 1152(a) of this Appendix] until June 30, 1947, for the purpose of liquidation of existing controls and for the purpose of affording the appropriate congressional committees opportunity to consider specific legislation granting restricted control authority in limited instances, and to provide that no facilities or material not under allocation on Mar. 24, 1947, shall after that date be allocated.

Act June 30, 1947, amended section by extending certain controls under title III [section 1152(a) of this Appendix] for a period of 15 days from June 30, 1947, to July 15, 1947.

Act July 15, 1947, the Second Decontrol Act of 1947, continued until Feb. 29, 1948 the powers described in subsec. (b) of this section, excepted from that extension the authority to negotiate contracts with or without advertising or competitive bidding, and provided that nothing in this section should affect the authority conferred by the Rubber Control Act or the Sugar Control Extension Act of 1947.

1946—Act June 29, 1946, extended the termination date from June 30, 1946, to Mar. 31, 1947, except that for the allocation of building materials, and the facilities related to the utilization of building materials Title III [section 1152(a) of this Appendix] of that act shall remain in force until June 30, 1947.

1945—Act Dec. 28, 1945, substituted "Titles I to V, inclusive, and titles VII, XI, and XIV" for Titles I to VII, inclusive, and titles IX, XI, and XIV", and "June 30, 1946," for "December 31, 1945,".

1944—Act Dec. 20, 1944, extended termination date from Dec. 31, 1944, to Dec. 31, 1945.

EFFECTIVE DATE; RETROACTIVE EFFECT

Section 2 of act June 4, 1948, provided that: "The provisions of this Act [this section and section 1152(a) of this Appendix] shall take effect as of the close of May 31, 1948, and all regulations, orders, directives, directions, requirements, and delegations issued under title III of the Second War Powers Act, 1942, as amended [section 1152(a) of this title], which were in effect on May 31, 1948, shall be in effect in the same manner and to the same extent as if this Act had been enacted on May 31, 1948, and any proceeding, petition, application, or appeal which was pending on May 31, 1948, under such title III, as amended, [section 1152(a) of this Appendix] or under any regulation, order, directive, or direction issued thereunder, shall be proceeded with and shall be effective in the same manner and to the same extent as if this Act had been enacted on May 31, 1948: *Provided,* That in any case in which such title III, as amended, [section 1152(a) of this Appendix] or any regulation, order, directive, direction, or requirement issued thereunder, prescribes any period of time within which any act is required or permitted to be done, and such period had commenced but had not expired on May 31, 1948, such period is hereby extended for a number of days equal to the number of days from June 1, 1948, to the date of the enactment of this Act, both inclusive: *Provided further,* That no act or transaction, or omission or failure to act, occurring subsequent to May 31, 1948, and prior to the date of enactment of this Act, shall, by reason of the enactment of this Act, be deemed to be a violation of such title III, as amended, [section 1152(a) of this Appendix] or of any regulation, order, directive, or direction issued thereunder."

FIRST DECONTROL ACT OF 1947

Act. Mar. 31, 1947, ch. 29, 61 Stat. 34, provided:

"Section 1. Short Title. This Act [Act Mar. 31, 1947] shall be cited as the 'First Decontrol Act of 1947.'

"Section 2. Declaration of Congressional Purposes. The Congress hereby declares that it is vital to a free economy and full production in the United States that alll emergency controls and war powers under the Second War Powers Act [former sections 631–642e, sections 643–643c, former sections 644–644b, and sections 645–645b of this Appendix] be removed except in certain limited instances.

"The Congress further declares that in each such limited instance the authority for such emergency controls and war powers should not be exercised by the grant of broad, general war powers but should be granted by restrictive, specific legislation.

"Section 3. Amendment of Section 645 of this Appendix. For the purpose of liquidating existing emergency controls and war powers and for the purpose of affording further opportunity for the appropriate committees of the Congress to consider specific legislation granting restricted authority in limited instances, title XV, section 1501, of the Second War Powers Act, 1942, approved March 27, 1942, as amended [this section] is amended to read as follows:

" 'Sec. 1501. Except as otherwise provided by statute enacted during the first session of the Eightieth Congress on or before the date this section as amended takes effect [Mar. 31, 1947], titles I, II, III, IV, V, VII, and XIV of this Act [former sections 631–635, 637, and 644–644b of this Appendix] and the amendments to existing law made by such titles shall remain in force only until March 31, 1947, except that such title III [section 1152(a) of this Appendix] and the amendments to existing law made by such title, shall remain in force until June 30, 1947, for the following purposes: (a) Allocations of cinchona bark and cinchona alkaloids, manila (abaca) fiber and cordage, agave fiber and cordage, tin and tin products, antimony and streptomycin; (b) allocations limited to control of production for export of tractors; (c) allocations of the

use of transportation equipment and facilities by rail carriers; (d) allocations of materials or facilities for export which are required to expand the production in foreign countries of materials critically needed in the United States; (e) allocations of materials or facilities which are certified by the Secretaries of State and Commerce as necessary to meet international commitments: Provided, That any materials or facilities which were not being allocated on March 24, 1947, shall not be allocated hereafter under the provisions of such title III [section 1652(a) of this Appendix]: Provided further, That two Houses of Congress by concurrent resolution or the President may designate an earlier time for the termination of any power of allocation under such title: Provided further, That nothing herein contained shall be construed to continue beyond March 31, 1947, any authority to allocate sugar, rubber, or the derivatives thereof. After the amendments made by any such title cease to be in force, any provisions of law amended thereby (except subsection (a) of section 2 of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940, as amended by the Act of May 31, 1941 [section 1152(a) of this Appendix]) shall be in full force and effect as though this Act had not been enacted.' "

SECOND DECONTROL ACT OF 1947

Act July 15, 1947, ch. 248, 61 Stat. 321, as amended Feb. 28, 1948, ch. 85, 62 Stat. 58; June 4, 1948, ch. 419, § 1, 62 Stat. 342, provided:

"[Sec. 1. Short title.] That this Act [Act July 15, 1947] shall be cited as the 'Second Decontrol Act of 1947'.

"Sec. 2. Findings of fact and declaration of policy.

"(a) Certain materials and facilities continue in short supply at home and abroad as a result of the war. The continued exercise of certain limited emergency powers is required to complete the orderly reconversion of the domestic economy from a wartime to a peacetime basis, to protect the health, safety, and welfare of the American people, and to support the foreign policy of the United States.

"(b) The Congress hereby declares that it is the general policy of the United States to eliminate emergency wartime controls of materials except to the minimum extent necessary (1) to protect the domestic economy from the injury which would result from adverse distribution of materials which continue in short world supply; (2) to promote production in the United States by assisting in the expansion and maintenance of production in foreign countries of materials critically needed in the United States; (3) to make available to countries in need, consistent with the foreign policy of the United States, those commodities whose unrestricted export to all destinations would not be appropirate; and (4) to aid in carrying out the foreign policy of the United States.

"Sec. 3. Temporary retention of certain emergency powers. To effectuate the policies set forth in section 2 hereof, title XV, section 1501, of the Second War Powers Act, 1942, approved March 27, 1942, as amended, [this section] is amended to read as follows:

" 'Sec. 1501. (a) Except as otherwise provided by statute enacted during the Eightieth Congress (including the First Decontrol Act of 1947 [set out as a note under this section] and Public Law numbered 145, approved June 30, 1947 [amending section 645 and former section 701 of this Appendix]) and except as otherwise provided by subsection (b) of this section, titles I, II, III, IV, V, VII, and XIV of this Act [former sections 631–635, 637, and 644–644b of this Appendix] and the amendments to existing law made by such titles shall remain in force only until March 31, 1947. After the amendments made by any such title cease to be in force, any provisions of law amended thereby (except subsection (a) of section 2 of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940, as amended [section 1152(a) of this Appendix]) shall be in full force and effect as though this Act had not been enacted.

" '(b) Title III of this Act [section 1152(a) of this Appendix] and the amendments to existing law made by such title shall remain in force until the close of June 30, 1949, for the exercise of the powers, authority, and discretion thereby conferred on the President, but limited to— " '(1) the materials (and facilities suitable for the manufacture of such materials), as follows:

" '(A) Tin and tin products, except for the purpose of exercising import control of tin ores and tin concentrates;

" '(B) Antimony;

" '(C) Repealed;

" '(D) Materials for export required to expand or maintain the production in foreign countries of materials critically needed in the United States, for the purpose of establishing priority in production and delivery for export, and materials necessary for manufacture and delivery of the materials required for such export;

" '(E) Fats and oils (including oil-bearing materials, fatty acids, butter, soap, and soap powder, but excluding petroleum and petroleum products) and rice and rice products, for the purpose of exercising import control only; and nitrogenous fertilizer materials for the purposes of exercising import control and of establishing priority in production and delivery for export, and nitrogenous compounds (including anhydrous ammonia), in any form, necessary for the manufacture and delivery of the nitrogenous fertilizer materials required for such export: Provided, however, that 50 per centum of the export requirements of nitrogenous fertilizer materials to nonoccupied areas shall be supplied out of nitrogenous fertilizer materials or nitrogenous compounds (including anhydrous ammonia) produced in plants operated by or for the Department of the Army, and notwithstanding any other provision of law the Department of the Army is authorized to produce and sell such nitrogenous fertilizer materials and nitrogenous compounds (including anhydrous ammonia) to fill such 50 per centum of such export requirements;

" '(F) Materials (except foods and food products, manila (abaca) fiber and cordage, agave fiber and cordage, and fertilizer materials), including petroleum and petroleum products, required for export, but only upon certification by the Secretary of State that the prompt export of such materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, for the purpose of establishing priority in production and delivery for export, and materials necessary for the manufacture and delivery of the materials required for such export: Provided, That no such priority based on a certification by the Secretary of State shall be effective unless and until the Secretary of Commerce shall have satisfied himself that the proposed action will not have an unduly adverse effect on the domestic economy of the United States; and

" '(2) The use of transportation equipment and facilities by rail carriers.

" '(c) Notwithstanding the extension through June 30, 1949, made by subsection (b), the Congress by concurrent resolution or the President may designate an earlier time for the termination of any power, authority, or discretion under such title III [section 1152(a) of this Appendix]. Nothing in subsection (b) shall be construed to continue beyond July 15, 1947, any authority under paragraph (1) of subsection (a) of section 2 of the Act entitled "An Act to expedite national defense and for other purposes", approved June 28, 1940, as amended, [section 1152(a) of this Appendix] to negotiate contracts with or without advertising or competitive bidding; and nothing contained in this section, as amended, shall affect the authority conferred by Public Law 24, Eightieth Congress, approved March 29, 1947, [formerly set out as a note under section 98 of Title 50] or the Sugar Control Extension Act of 1947 [former sections 981—985 of this Appendix and former section 1001 of Title 5].'

"Sec. 4. Temporary extension of certain export controls. To effectuate the policy set forth in section 2 hereof, section 6(d) of the Act of July 2, 1940 (54 Stat. 714), as amended [former section 701(d) of this Appendix], is amended to read as follows:

" '(d) The authority granted by this section shall terminate on February 29, 1948, or any prior date which the Congress by concurrent resolution or the President may designate.'

"Sec. 5. Exemption from administrative procedure act. The functions exercised under title III of the Second War Powers Act, 1942, as amended [section 1152(a) of this Appendix] (including the amendments to existing law made by such title), and the functions exercised under section 6 of such act of July 2, 1940, as amended, [former

section 701 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [section 551 et seq. 1011 of Title 5], except as to the requirements of sections 3 and 10 thereof [sections 552, 701–706 of Title 5].

"Sec. 6. Administration by Secretary of Commerce.

"(a) The Secretary of Commerce, subject to the direction of the President, shall have power to establish policies and programs to effectuate the general policies set forth in section 2 of this Act, and to exercise over-all control, with respect to the functions, powers, and duties delegated by the President under title III of the Second War Powers Act, 1942, as amended [section 1152(a) of this Appendix] and section 6 of the Act entitled 'An Act to expedite the strengthening of the national defense', approved July 2, 1940, as amended [former section 701 of this Appendix]. The Secretary is further authorized, subject to the direction of the President, to approve or disapprove any action taken under such delegated authority, and may promulgate such rules and regulations as may be necessary to enable him to perform the functions, powers, and duties imposed upon him by this section.

"(b) The Secretary shall make a quarterly report, within thirty days after each quarter, to the President and to the Congress of his operations under the authority conferred on him by this section. Each such report shall contain a recommendation by him as to whether the controls exercised under title III of the Second War Powers Act, 1942, as amended [section 1152(a) of this Appendix], and section 6 of the Act entitled 'An Act to expedite the strengthening of the national defense', approved July 2, 1940 as amended [former section 701 of this Appendix] should or should not be continued, together with the current facts and reasons therefor. Each such report shall also contain detailed information with respect to licensing procedures under such Acts, allocations and priorities under the Second War Powers Act, 1942, as amended [former sections 631–642e, sections 643–643c, former sections 644–644b, and sections 645–645b of this Appendix], and the allocation or nonallocation to countries of materials and commodities (together with the reasons therefor) under section 6 of the Act entitled 'An Act to expedite the strengthening of the national defense', approved July 2, 1940, as amended [former section 701 of this Appendix].

"Sec. 7. Personnel. Notwithstanding any other law to the contrary, personnel engaged in the performance of duties related to functions, powers, and duties delegated by the President under the Second War Powers Act of 1942, as amended [former sections 631–642e, sections 643–643c, former sections 644–644b, and sections 645–645b of this Appendix], and section 6 of the Act entitled 'An Act to expedite the strengthening of the national defense', approved July 2, 1940, as amended [former section 701 of this Appendix], and whose employment was terminated, or who were furloughed, in June or July 1947, may be reemployed to perform duties in connection with the functions, powers, and duties extended by this Act.

"Sec. 8. Appropriations. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

"Sec. 9. Effective date. This Act shall take effect on July 16, 1947."

APPROPRIATIONS

Section 2 of act June 30, 1947, provided: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this joint resolution [this section and former section 701 of this Appendix]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 645a, 645b of this Appendix.

§ 645a. Short title of Act.

This Act [former sections 631 to 642e, sections 643 to 643c, former sections 644 to 644b, and sections 645 to 654b of this Appendix] may be cited as the "Second War Powers Act, 1942". (Mar. 27, 1942, ch. 199, title XV, § 1502, 56 Stat. 187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 645, 645b of this Appendix.

§ 645b. Establishment of price and rent controls.

Nothing contained in this Act [former sections 631 to 642e, sections 643 to 643c, former sections 644 to 644b, and sections 645 to 645b of this Appendix] or any other Federal Act (except the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, or the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended), shall be construed to authorize the establishment by any officer or agency of the Government of maximum prices for any commodity or maximum rents for any housing accommodations. (Mar. 27, 1942, ch. 199, title XV, § 1503, as added June 29, 1946, ch. 526, § 2, 60 Stat. 346.)

REFERENCES IN TEXT

Emergency Price Control Act of 1942, as amended, referred to in the text, was classified to former sections 901—946 of this Appendix.

Stabilization Act of 1942, as amended, referred to in the text, was classified to former sections 961—971 of this Appendix.

The District of Columbia Emergency Rent Act, approved December 2, 1941, as amended, referred to in the text, is set out as sections 45–1601 to 45–1611 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 645, 645a of this Appendix.

EXPORTATION RESTRICTIONS ON CERTAIN ARTICLES

ACT JULY 2, 1940, CH. 508, 54 STAT. 714

§ 701. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, acts July 2, 1940, ch. 508, § 6, 54 Stat. 714; June 30, 1942, ch. 461, 56 Stat. 463; July 1, 1944, ch. 360, 58 Stat. 671; June 30, 1945, ch. 205, 59 Stat. 270; May 23, 1946, ch. 269, 60 Stat. 215; June 30, 1947, ch. 184, § 1, 61 Stat. 214; July 15, 1947, ch. 248, § 4, 61 Stat. 323; Dec. 30, 1947, ch. 526, § 3(a), 61 Stat. 946, authorized the President to prohibit or curtail the exportation of any articles, technical data, materials, or supplies, except under those rules and regulations as he should prescribe. Subject matter is now covered by sections 2021—2032 of this Appendix.

§ 702. Application of former section 701 of this Appendix to territories and possessions of the United States.

CODIFICATION

Section, act May 28, 1941, ch. 134, 55 Stat. 206, extended application of former section 701 of this Appendix to territories and possessions of the United States and expired on Feb. 28, 1949.

REQUISITION OF MILITARY EQUIPMENT, MATERIALS AND SUPPLIES

ACT OCT. 10, 1940, CH. 836, 54 STAT. 1090

§§ 711 to 713. Omitted.

CODIFICATION

Section 711, acts Oct. 10, 1940, ch. 836, § 1, 54 Stat. 1090; July 2, 1942, ch. 471, § 1, 56 Stat. 467, authorized the President to requisition certain military and naval materials, the exportation of which had been prohibited or curtailed

by law. Authority to requisition under the Defense Production Act of 1950 was contained in section 2081 of this Appendix which is now also omitted from the Code following termination of the authority thereunder under the terms of section 2166 of this Appendix.

Section 712, act Oct. 10, 1940, ch. 836, § 2, 54 Stat. 1091, provided for compensation for materials requisitioned under sections 711—713. Compensation for property requisitioned under the Defense Production Act of 1950 was provided for in section 2081 of this Appendix which is now also omitted from the Code following termination of the authority thereunder under the terms of section 2166 of this Appendix.

Section 713, acts Oct. 10, 1940, ch. 836, § 3, 54 Stat. 1091; July 2, 1942, ch. 471, § 2, 56 Stat. 468; June 28, 1944, ch. 308, 58 Stat. 625; June 30, 1945, ch. 207, 59 Stat. 270, provided that the authority granted in sections 711—713 should remain in force only until June 30, 1946.

EX. ORD. NO. 8567. ADMINISTRATION OF ACT OCT. 10, 1940 CONCERNING REQUISITIONING OF MILITARY MATERIALS

Ex. Ord. No. 8567, Oct. 15, 1940, 5 F. R. 4121, provided for the administration of former sections 711—713.

ACT OCT. 16, 1941, CH. 445, 55 STAT. 742

§§ 721 to 724. Omitted.

CODIFICATION

Section 721, acts Oct. 16, 1941, ch. 445, § 1, 55 Stat. 742; Mar. 27, 1942, ch. 199, title VI, §§ 601, 602, 56 Stat. 181; June 30, 1943, ch. 181, § 1, 57 Stat. 271; June 28, 1944, ch. 307, § 1, 58 Stat. 624; June 30, 1945, ch. 208, § 1, 59 Stat. 271, authorized the President, not later than June 30, 1946, to requisition certain military materials needed for defense and provided for payment of just compensation which might be recovered by suits against the United States. Authority to requisition under the Defense Production Act of 1950 is contained in section 2081 of this Appendix which is now also omitted from the Code following termination of the authority thereunder under the terms of section 2166 of this Appendix.

Section 722, acts Oct. 16, 1941, ch. 445, § 2, 55 Stat. 742; June 30, 1943, ch. 181, § 2, 57 Stat. 271; June 28, 1944, ch. 307, § 2, 58 Stat. 624; June 30, 1945, ch. 208, § 2, 59 Stat. 271, provided for return of property acquired under sections 721—724 to the owner not later than Dec. 31, 1946, if the owner desired it and paid the fair value thereof. For return of property requisitioned under the Defense Production Act of 1950, see section 2081 of this Appendix which is now also omitted from the Code following termination of the authority thereunder under the terms of section 2166 of this Appendix.

Sections 723 and 724, act Oct. 16, 1941, ch. 445, §§ 3, 4, 55 Stat. 743, related to reports to Congress and the administration of sections 721—724.

TERRITORIAL USE OF ARMY AND EXTENSION OF SERVICE PERIOD

ACT DEC. 13, 1941, CH. 571, 55 STAT. 799

§§ 731, 732. Omitted.

CODIFICATION

Section 731, act Dec. 13, 1941, ch. 571, § 1, 55 Stat. 799, suspended the restrictions on territorial use of the Army in former sections 301—318 and 401—405 of this Appendix, which have expired.

Section 732, act Dec. 13, 1941, ch. 571, § 2, 55 Stat. 800, extending service periods during any war, which had been transferred to former section 16a of Title 10, Army and Air Force, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is now covered by sections 3492 and 8492 of Title 10, Armed Forces.

§ 733. Repealed. June 28, 1950, ch. 383, title IV, § 401 (a), 64 Stat. 271.

Section, act Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800, amended former section 2 of Title 10, Army and Air Force.

CIVILIAN PROTECTION FROM WAR HAZARDS

ACT JAN. 27, 1942, CH. 20, 56 STAT. 19

§§ 741, 742. Omitted.

CODIFICATION

Sections, act Jan. 27, 1942, ch. 20, §§ 1, 2, 56 Stat. 19, relating to civilian defense, have been omitted under authority of Ex. Ord. No. 9562, June 5, 1945, 10 F. R. 6639, which terminated the Office of Civilian Defense and abolished the functions of the Office and its Director. Similar provisions are contained in sections 2251—2297 of this Appendix.

DECORATIONS, ETC., FOR MERCHANT MARINE

JOINT RES. APR. 11, 1942, CH. 241, 56 STAT. 217

§§ 751, 752. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Sections, Joint Res. Apr. 11, 1942, ch. 241, 56 Stat. 217, provided for medals for persons in the American Merchant Marine for outstanding conduct or service in line of duty on and after Sept. 3, 1939, and during World War II.

ACT MAY 10, 1943, CH. 96, 57 STAT. 81

§§ 753 to 753f. Repealed. July 24, 1956, ch. 671, § 5(a)(1), 70 Stat. 606, eff. July 1, 1954.

Sections 753—753e, act May 10, 1943, ch. 96, §§ 1—6, 57 Stat. 81, 82, authorized awards and decorations for members of the Merchant Marine for service during World War II, and are now covered by sections 249—249c of Title 46, Shipping.

Section 753f, act May 10, 1943, ch. 96, § 7, as added July 31, 1945, ch. 337, 59 Stat. 511, and amended Aug. 7, 1946, ch. 786, 60 Stat. 884, prescribed regulations governing the manufacture, sale, possession, or display of awards and decorations, and penalties for violations, and is now covered by section 249c of Title 46, Shipping.

REPLACEMENT OF AWARDS, MEDALS, AND DECORATIONS

Section 5 (b) of act July 24, 1956, provided that: "Notwithstanding the repeal of the Acts of Congress in subsection (a) [sections 753—753f, 754—754b, and 1471—1475 of this Appendix] the Secretary of Commerce is authorized, under such rules and regulations as he may from time to time prescribe to make replacements at cost or permit replacement at reasonable prices by persons authorized by him of the awards, medals, decorations, or other articles issued under such Acts, if lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner."

ACT AUG. 8, 1946, CH. 918, 60 STAT. 960

§§ 754 to 754b. Repealed. July 24, 1956, ch. 671, § 5(a)(2), 70 Stat. 606, eff. July 1, 1954.

Sections, act Aug. 8, 1946, ch. 918, §§ 1—3, 60 Stat. 960, authorized issuance of medals and honorable discharge buttons to seamen for war zone service on Government owned and operated vessels in World War II.

REPLACEMENT OF AWARDS, MEDALS, AND DECORATIONS

For provisions authorizing the issuance of replacements of awards, medals, and decorations, notwithstanding the repeal of these sections, see section 5 (b) of act July 24, 1956, set out as a note under former sections 753—753f of this Appendix.

USE OF PUBLIC LANDS FOR WAR PURPOSES

ACT JUNE 5, 1942, CH. 346, 56 STAT. 323

§§ 756 to 759. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Section 756, act June 5, 1942, ch. 346, § 1, 56 Stat. 323, provided for lease or sale of vacant public lands withdrawn or reserved under certain Executive Orders or within a

grazing district for use in connection with manufacture of arms, etc.

Section 757, act June 5, 1942, ch. 346, § 2, 56 Stat. 323, provided that the lessee's interest in public lands leased under sections 756—759 should be taxable by the States and political subdivisions thereof.

Sections 758 and 759, act June 5, 1942, ch 346, §§ 3, 4, 56 Stat. 323, provided for rules and regulations and for the termination date of sections 756—759. The termination provision was superseded by the repeal of that act effective July 25, 1947.

MISCELLANEOUS PROVISIONS AFFECTING MILITARY ESTABLISHMENT

ACT JUNE 5, 1942, CH. 340, 56 STAT. 314

§§ 761, 762. Omitted.

CODIFICATION

Section 761, act June 5, 1942, ch. 340. § 1, 56 Stat. 314, authorized the Secretary of War to provide for entertainment and instruction of enlisted personnel and employment of interns in the Medical Department at not to exceed $720 per annum. Such provisions continued until Aug. 1, 1953, as provided in notes set out hereunder.

Section 762, act June 5, 1942, ch. 340, § 2, 56 Stat. 314, which suspended all provisions of law existing on June 5, 1942, limiting the strength of any branch of the Army, the number of aviation cadets in the Army Air Corps, the number of assistant superintendents of the Army Nurse Corps, the number and grade of reserve officers who might be ordered to extended active duty, and the number of officers of the Army who might be required to participate in aerial flights, has been omitted as obsolete. Such strength limitations were superseded by section 452 of this Appendix and sections 3201, 3205, 3213, 3222, 3223, 3225 of Title 10, Armed Forces. Appointments as assistant superintendents of the Army Nurse Corps have ceased to exist under former section 166*l* of Title 10, and limitations as to number of reserve officers on active duty and number of officers participating in aerial flights, formerly sections 369a and 292 of Title 10, were repealed.

CONTINUATION OF SECTION 761 UNTIL AUGUST 1, 1953

Joint Res. June 30, 1953, ch. 172, 67 Stat. 132, and Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, amended Joint Res. July 3, 1952, ch. 570, 66 Stat. 332, provided that section 761 should continue in force in no event beyond Aug. 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTION 761

Act Apr. 4, 1953, ch. 21, § 2, 67 Stat. 23, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(18) which continued the effectiveness of this section until Apr. 1, 1953. Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54, as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

§ 763. Repealed. Sept. 23, 1950, ch. 1010, § 3 (a), 64 Stat. 986.

Section, act June 5, 1942, ch. 340, § 3, 56 Stat. 314, related to appointment and transfer of civilian employers for foreign service and transportation of employees, dependents and effects.

§ 764. Transportation of military personnel dependents and effects; monetary payments.

CODIFICATION

Subsecs. (a)—(d), act June 5, 1942, ch. 340, § 4 (a)—(d), 56 Stat. 315, relating to travel allowances for dependents and effects of military personnel, were repealed by act Oct. 12, 1949, ch. 681, title V, § 531 (c) (11), 63 Stat. 840, eff. Jan. 1, 1950, and are now covered by section 404 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

Subsec. (e), act June 5, 1942, ch. 340, § 4 (e), as added by act Feb. 12, 1946, ch. 6, § 4, 60 Stat. 5, and amended by act Oct. 12, 1949, ch. 681, title V, § 525 (a), 63 Stat. 836, provided for monetary payments in lieu of transportation authorized by former section 763 (b) (c) of this Appendix.

§ 765. Repealed. Sept. 23, 1950, ch. 1010, § 3 (a), 64 Stat. 986.

Section, acts June 5, 1942, ch. 340, § 5, 56 Stat. 316; Oct. 12, 1949, ch. 681, title V, § 525 (b), 63 Stat. 836, related to availability of funds for transportation of baggage, etc. See chapter 57 of Title 5, Government Organization and Employees.

§§ 766 to 776. Omitted.

Section 766, act June 5, 1942, ch. 340, § 6, 56 Stat. 316, which made available for the lease of vessels Army transportation funds, expired six months after the termination of World War II under the provisions of former section 776 of this Appendix.

Section 767, act June 5, 1942, ch. 340, § 7, 56 Stat. 316, made funds available for acquisition of land, rights pertaining thereto, leasehold and other interests, temporary uses, and approval of title. Such provisions continued until Aug. 1, 1953, as provided in notes set out hereunder.

Section 768, act June 5, 1942, ch. 340, § 8, 56 Stat. 316, which limited the fixed fee to 6 per centum on cost-plus contracts for military posts, expired six months after the termination of World War II under the provisions of former section 776 of this Appendix.

Section 769, act June 5, 1942, ch. 340, § 9, 56 Stat. 316, which extended act Mar. 5, 1940, ch. 44, 54 Stat. 45, relating to aircraft procurement, became obsolete on the repeal of that act by Joint Res. July 25, 1947, ch. 327, § 1, 61 Stat. 449 and expired six months after the termination of World War II under the provisions of former section 776 of this Appendix.

Section 770, act June 5, 1942, ch. 340, § 10, 56 Stat. 316, which made available the funds of the Engineer Service, Army, for expenses of operation of railroad, expired six months after the termination of World War II under the provisions of former section 776 of this Appendix.

Section 771, act June 5, 1942, ch. 340, § 11, 56 Stat. 316, made funds available for acquisition of leasehold and other interests in land, temporary uses, and approval of title. Such provisions continued until Aug. 1, 1953, as provided in notes set out hereunder.

Section 772, act June 5, 1942, ch. 340, § 12, 56 Stat. 316, related to employment of necessary personnel for production of plans for Army projects and their compensation.

Section 773, act June 5, 1942, ch. 340, § 13, 56 Stat. 317, extended the provisions of section 1171(a, b) of this Appendix to moneys appropriated for the Department of the Army for national defenses during World War II and for six months after its termination as provided in former section 776 of this Appendix.

Section 774, act June 5, 1942, ch. 340, § 14, 56 Stat. 317, related to suspension of limitations on number of aircraft.

Section 775, act June 5, 1942, ch. 340, § 15, 56 Stat. 317, provided that former sections 761–776 of this Appendix were not to limit or effect any power or authority granted or conferred by the First War Powers Act, 1941 [former sections 601–622 of this Appendix] or the Second War Powers Act, 1942 [former sections 631–642e, sections 643–643c, former sections 644–644b, and sections 645–645b of this Appendix].

Section 776, act June 5, 1942, ch. 340, § 16, 56 Stat. 317, provided that the provisions of former sections 761–776 of this Appendix should remain in force during the continuance of World War II and for six months after its termination. For termination of state of war, see notes preceding sections 1 of this Appendix.

CONSTINUATION OF SECTIONS 767, 771 UNTIL AUG. 1, 1954

Section 1(a)(5) of Joint Res. July 3, 1952, ch. 570, 66 Stat. 331, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18 and Joint Res. June 30, 1953, ch. 172, 67 Stat. 132, provided that sections 767 and 771 should continue in force until six months after the termination of the national emergency proclaimed by the President on Dec. 16, 1950 by 1950 Proc. No. 2914, 15 F.R. 9029, set out as a note preceding section 1 of this Appendix, or such

earlier date or dates as may be provided for by Congress, but in no event beyond Aug. 1, 1953, as extended from Apr. 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTIONS 767, 771

Act Apr. 4, 1953, ch. 21, § 2, 67 Stat. 23, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(18) which continued the effectiveness of this section until Apr. 1, 1953. Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

ACT JUNE 28, 1944, CH. 306, 58 STAT. 624

§ 777. Naval plantations outside continental United States; availability of appropriations for management and operation.

CODIFICATION

Section, which was originally a temporary war measure and applicable only to naval plantations, was made permanent legislation and applicable to both Army and Navy plantations and formerly transferred to section 1213 of Title 10, Army and Air Force, and section 555a of Title 34, Navy, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641 and is now covered by section 2421 of Title 10, Armed Forces.

ACT FEB. 21, 1946, CH. 34, § 3, 60 STAT. 27

§ 778. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act Feb. 21, 1946, ch. 34, § 3, 60 Stat. 27, authorized the Secretary of the Navy to convene boards of officers to recommend the retirement of Regular Navy and Marine Corps Officers in certain ranks and by section 12 of that act provided that those provisions terminate on June 30 of the fiscal year following that in which World War II is declared ended.

PHOTOGRAPHING, MAPPING OR OTHER REPRESENTATION OF MILITARY OR DEFENSE PROPERTIES

ACT JUNE 25, 1942, CH. 447, 56 STAT. 390

Sec.
781. Photographing, sketching, mapping, etc., military or naval reservations, properties, equipment, etc., as unlawful.
782. Permission to photograph, sketch, map, etc.
783. Penalties for violations.
784. Territorial application of sections 781 to 785.
785. Effective date of sections 781 to 785.

§ 781. Photographing, sketching, mapping, etc., military or naval reservations, properties, equipment, etc., as unlawful.

Whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation, or place used for national-defense purposes by the Departments of the Army or the Navy, or of any vessel, aircraft, installation, equipment, or other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation or place, or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the Departments of the Army or the Navy or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place, shall be punished as provided herein. (June 25, 1942, ch. 447, § 1, 56 Stat. 390.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CONTINUATION OF PROVISIONS

Section effective only until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, see section 785 of this Appendix and note thereunder.

CROSS REFERENCES

Photographing, sketching, mapping, etc., defensive installations, see sections 795—797 of Title 18, Crimes and Criminal Procedure.

§ 782. Permission to photograph, sketch, map, etc.

Notwithstanding the provisions of section 1 [section 781 of this Appendix], the Secretary of the Army or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby. (June 25, 1942, ch. 447, § 2, 56 Stat. 391.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CONTINUATION OF PROVISIONS

Section effective only until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, see section 785 of this Appendix and note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 783, 785 of this Appendix.

§ 783. Penalties for violations.

Any person found guilty of a violation of this Act [sections 781 to 785 of this Appendix] shall, upon

conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (June 25, 1942, ch. 447, § 3, 56 Stat. 391.)

CONTINUATION OF PROVISIONS

Section effective only until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, see section 785 of this Appendix and note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 784, 785 of this Appendix.

§ 784. Territorial application of sections 781 to 785.

The provisions of this Act [sections 781 to 785 of this Appendix] shall apply in all places within the territory or jurisdiction of the United States. (June 25, 1942, ch. 447, § 4, 56 Stat. 391; Proc. No. 2695, July 4, 1946, 11 F.R. 7817, 60 Stat. 1352.)

CODIFICATION

Words "in the Philippine Islands as well as other" were deleted upon authority of Proc. No. 2695, which recognized the independence of the Philippine Islands as of July 4, 1946, and is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse.

CONTINUATION OF PROVISIONS

Section effective only until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, see section 785 of this Appendix and note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 783, 785 of this Appendix.

§ 785. Effective date of sections 781 to 785.

This Act [sections 781 to 785 of this Appendix] shall be effective only until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 C.F.R., 1950 Supp., p. 71 [set out as a note preceding section 1 of this Appendix]). (June 25, 1942, ch. 447, § 5, 56 Stat. 391; June 4, 1953, ch. 97, 67 Stat. 41.)

AMENDMENTS

1953—Act June 4, 1953, extended the effective period until six months after the national emergency proclaimed by the President on December 16, 1950.

CONTINUATION OF PROVISIONS

This section originally provided that sections 781—784 of this Appendix shall be effective only for the duration of the present war [World War II] as determined by proclamation of the President. Temporary extensions were authorized by Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54; Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296; Joint Res. July 3, 1952, ch. 570, § 1(a)(11), 66 Stat. 631, and Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18. A later amendment of this section by act June 4, 1953 extended the provisions of sections 781—784 of this Appendix until 6 months after the termination of the national emergency proclaimed by the President on December 16, 1950.

TERMINATION OF WAR

Termination of State of War, see notes preceding section 1 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 783, 784 of this Appendix.

EXEMPTION OF CERTAIN ARTICLES FROM IMPORT DUTIES AND TAXES

JOINT RES. JUNE 27, 1942, CH. 455, 56 STAT. 461

§§ 791 to 795. Omitted.

CODIFICATION

Section 791, Joint Res. June 27, 1942, ch. 455, § 1, 56 Stat. 461, provided for importation of articles for members of the armed forces of the United Nations, other than those of the United States, free of duties, internal-revenue taxes, and customs charges.

Section 792, Joint Res. June 27, 1942, ch. 455, § 2, 56 Stat. 462, contained similar exemptions for articles for enemy prisoners of war and enemy civilian internees and detainees.

Section 793, Joint Res. June 27, 1942, ch. 455, § 3, 56 Stat. 462, contained similar exemptions for articles made by members of United Nations armed forces detained as prisoners of war or made by nationals of the United States interned or detained by the enemy.

Section 794, Joint Res. June 27, 1942, ch. 455, § 4, 56 Stat. 462, authorized regulations by the Secretary of the Treasury governing exemptions under sections 791—795.

Section 795, Joint Res. June 27, 1942, ch. 455, § 5, 56 Stat. 462; Aug. 8, 1947, ch. 515, § 2, 61 Stat. 917, provided that sections 791—795 should be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after June 27, 1942, and before July 1, 1948.

ACT JUNE 27, 1942, CH. 453, 56 STAT. 461

§ 801. Free importation of personal and household effects brought into the United States under Government orders.

CODIFICATION

Section, acts June 27, 1942, ch. 453, § 1, 56 Stat. 461; June 30, 1955, ch. 258, § 1(a), 69 Stat. 242, provided for free importation of personal and household effects brought into the United States under Government orders. Provisions were incorporated in the Revised Tariff Schedules of section 1202 of Title 19 Customs Duties as item 915.20 of the temporary legislation in the Appendix to the Tariff Schedules, and upon repeal of such item 915.00 as item 817.00 of the permanent legislation in Schedule 8, Special Classification Provisions.

§ 802. Repealed. June 30, 1955, ch. 258, § 1 (a), 69 Stat. 242.

Section, acts June 27, 1942, ch. 453, § 2, 56 Stat. 461; Apr. 4, 1953, ch. 21, § 1, 67 Stat. 22, prescribed the effective date of section 801 of this Appendix.

TEMPORARY APPOINTMENTS, PROMOTIONS, ETC., OF NAVY, MARINE CORPS AND COAST GUARD OFFICERS

ACT JUNE 30, 1942, CH. 462, 56 STAT. 463

§§ 806 to 810. Omitted.

CODIFICATION

Section 806, act June 30, 1942, ch. 462, § 1, 56 Stat. 463, suspended the provisions of existing law relating to periodic computations for the purpose of determining the authorized number of commissioned officers in the various grades of the line of the Regular Navy and of the Marine Corps, the permanent promotion or advancement of all officers of the Navy and Marine Corps, and the involuntary retirement or honorable discharge of such officers by reason of failure of selection or upon completion of designated periods of service. Under former section 813 of this Appendix, this section also applied to officer personnel of the Coast Guard. This section was repealed insofar as it related to the Navy and Marine Corps by act Aug. 7, 1947, ch. 512, title IV, § 426(a), 61 Stat. 880. It was superseded with respect to the Coast Guard by section 42 of Title 14, Coast Guard.

Section 807, act June 30, 1942, ch. 462, § 2, 56 Stat. 464, related to the number of rear admirals entitled to pay and allowances of rear admirals of the upper half. It was repealed insofar as it related to the Navy and Marine Corps by act Aug. 7, 1947, ch. 512, title IV, § 426(a), 61 Stat. 880, and superseded with respect to the Coast Guard by former section 462 of Title 14, Coast Guard, which is now covered by section 202 of Title 37, Pay and Allowances of the Uniformed Services.

Section 808, act June 30, 1942, ch. 462, § 3, 56 Stat. 464, provided for modification of age limits for original appointments to commissioned rank in staff corps and terminated under provisions of former section 814 of this Appendix on June 30, of fiscal year following that in which World War II ended. See Termination of State of War notes preceding section 1 of this Appendix.

Section 809, act June 30, 1942, ch. 462, § 4, 56 Stat. 464, which was an amendment of provisions concerning appointment of certain reserve officers to regular Navy or Marine Corps, was a permanent provision under former section 814 of this Appendix, and was set out as sections 737a and 853c-2a of former Title 34, Navy, and repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See sections 2104, 2106 and 6914 of Title 10, Armed Forces.

Section 810, act June 30, 1942, ch. 462, § 5, 56 Stat. 465, relating to temporarily promoted officers, pay and allowances, and date of acceptance of appointment, was repealed insofar as it related to the Navy and Marine Corps by act Aug. 7, 1947, ch. 512, title IV, § 426(a), 61 Stat. 880, and reenacted as section 350k of former Title 34, Navy, by act May 22, 1950, ch. 193, § 3, 64 Stat. 187. Although section 810 applied to the Coast Guard under former section 813 of this Appendix, it was superseded in this respect by section 350k of former Title 34, which applied to the Coast Guard under section 350j of former Title 34. Sections 350j and 350k of former Title 34 were repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641 and now are covered by sections 5597 and 5787 of Title 10, Armed Forces, section 351 of Title 14, Coast Guard and section 212(f) of Title 42, The Public Health and Welfare.

§ 811. Repealed. Feb. 21, 1946, ch. 34, § 11 (b), 60 Stat. 29.

Section, act June 30, 1942, ch. 462, § 6, 56 Stat. 465, which related to retired grade and pay of officers retired for age while serving under temporary promotion, is now covered by section 6151 of Title 10, Armed Forces.

§§ 812 to 814. Omitted.

CODIFICATION

Section 812, act June 30, 1942, ch. 462, § 7, 56 Stat. 465, amended former sections 350 and 350l of former Title 34, Navy. It was repealed insofar as it related to the Navy and Marine Corps by act Aug. 7, 1947, ch. 512, title IV, § 426(a), 61 Stat. 880. It was superseded with respect to the Coast Guard by act June 3, 1948, ch. 395, 62 Stat. 302.

Section 813, act June 30, 1942, ch. 462, § 8, 56 Stat. 465, provided: "The provisions of this Act [sections 806—814 of this Appendix] except as may be necessary to adapt the said provisions to the Coast Guard, shall apply to officer personnel of the Coast Guard in like manner and to the same extent and with the same relative conditions in all respects as are provided for the officer personnel of the Navy and Marine Corps." It appears that section 808 of this Appendix does not apply to the Coast Guard since it has no staff officers and that section 809 does not apply because it amends provisions relating only to the Navy and Marine Corps. As pointed out in notes under sections 806, 807, 810, and 812, they have been superseded with respect to the Coast Guard.

Section 814, act June 30, 1942, ch. 462, § 9, 56 Stat. 465, had prohibited any reduction of pay by virtue of former sections 806–814 of this Appendix, and provided for termination of sections 806–814 of this Appendix on June 30 of fiscal year following that in which World War II ended. See Termination of State of War notes preceding section 1, of this Appendix. See note for former section 809 for its disposition, such section having been excepted from the termination provisions.

JURISDICTION OF PRIZES AND PRIZE PROCEEDINGS

ACT AUG. 18, 1942, CH. 553, 56 STAT. 746

§§ 821 to 828. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Sections 821—828, act Aug. 18, 1942, ch. 553, §§ 1–8, 56 Stat. 746, related to jurisdiction of prizes and proceedings for their condemnation; venue of proceedings; consent of cobelligerent to exercise of jurisdiction or taking of prize involving territoral waters of cobelligerent; power of War Shipping to appropriate property; special prize commissioners, appointment, qualifications, powers, and duties; rules governing jurisdiction, constructon with other laws relating to prizes; reciprocal privileges and jurisdiction of cobelligerents; and effect on jurisdiction under other laws, and are now covered by sections 7651–7653, 7655, 7663, 7676, and 7681 of Title 10, Armed Forces.

CERTAIN ALLOWANCE ASSISTANCE FOR CIVILIAN AND MILITARY PERSONNEL

ACTS OCT. 14, 1942, CH. 603, 56 STAT. 786; NOV. 28, 1943, CH. 330, 57 STAT. 593

§§ 831 to 833f. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (c) (13), (16), 63 Stat. 840, eff. Jan. 1, 1950.

Section 831, acts Oct. 14, 1942, ch. 603, § 1, 56 Stat. 786; Feb. 21, 1946, ch. 6, § 2 (a), 60 Stat. 5; July 1, 1947, ch. 190, § 1, 61 Stat. 236, related to transportation of dependents and household effects of Navy, Marine Corps, and Coast Guard personnel incident to secret orders. It is now covered by section 404 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

Section 832, act Oct. 14, 1942, ch. 603, § 3, 56 Stat. 786, made sections 831—833 applicable to personnel of the Coast and Geodetic Survey.

Section 833, act Oct. 14, 1942, ch. 603, § 2, 56 Stat. 786, provided for effective date and termination of sections 831—833 of this Appendix.

Section 833a, acts Nov. 28, 1943, ch. 330, § 1, 57 Stat. 593; July 1, 1947, ch. 190, §2 (a), (b), 61 Stat. 236 related to transportation of dependents and household effects of Navy, Marine Corps, and Coast Guard personnel in case of evacuation of dependents or transfer of personnel to sea duty or places where dependents could not join them. It is now covered by section 404 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

Section 833b, acts Nov. 28, 1943, ch. 330, § 2, 57 Stat. 593; July 1, 1947, ch. 190, § 2 (c), 61 Stat. 237, related to certificates in connection with transportation under sections 833a—833f of this Appendix.

Section 833c, act Nov. 28, 1943, ch. 330, § 3, 57 Stat. 594, provided for allowance of credit in disbursing officers' accounts for prior payments which would have been authorized under section 833a of this Appendix.

Section 833d, act Nov. 28, 1943, ch. 330, § 4, 57 Stat. 594, related to mode of transportation of household effects of naval and civilian personnel of the Naval Establishment without regard to comparative costs. It is now covered with respect to naval personnel by section 404 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

Section 833e, act Nov. 28, 1943, ch. 330, § 5, as added Feb. 12, 1946, ch. 6, § 3 (a), 60 Stat. 5, provided for monetary payments in lieu of transportation authorized by sections 833a—833f of this Appendix.

Section 833f, act Nov. 28, 1943, ch. 330, § 6, 57 Stat. 594, renumbered Feb. 12, 1946, ch. 6, § 3 (a), 60 Stat. 5, provided for effective date and termination of sections 833a—833f of this Appendix.

ACT OCT. 26, 1942, CH. 624, 56 STAT. 987

§ 836. Certificates in connection with pay and allowance accounts of civilian and military personnel of Departments of Army and Navy.

CODIFICATION

Section act Oct. 26, 1942, ch. 624, 56 Stat. 987, continued until Aug. 1, 1953, as provided in notes set out hereunder.

CONTINUATION OF PROVISIONS UNTIL AUG. 1, 1953

Section 1(a)(9) of Joint Res. July 3, 1952, ch. 570, 66 Stat. 331, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18 and Joint Res. June 30, 1953, ch. 172, 67 Stat. 132, provided that this section should continue in force until six months after the termination of the national emergency proclaimed by the President on Dec. 16, 1950 by 1950 Proc. No. 2914, 15 F.R. 9029, set out as a note preceding section 1 of this Appendix, or such earlier date or dates as may be provided for by Congress, but in no event beyond Aug. 1, 1953, as extended from Apr. 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Act Apr. 4, 1953, ch. 21, § 2, 67 Stat. 23, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(18) which continued the effectiveness of this section until Apr. 1, 1953. Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54, as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

ACT JULY 16, 1953, CH. 197, § 1, 67 STAT. 172

§ 837. Certificates in connection with pay and allowance accounts of civilian and military personnel of the Armed Forces.

CODIFICATION

Section, act July 16, 1953, ch. 197, § 1, 67 Stat. 172, expired on Apr. 1, 1954, by the terms of section 2 of that act.

ACT DEC. 1, 1942, CH. 651, 56 STAT. 1024

§§ 841, 842. Repealed. May 28, 1948, ch. 352, § 3, 62 Stat. 277.

Sections, acts Dec. 1, 1942, ch. 651, 56 Stat. 1024; Apr. 9, 1946, ch. 121, § 1, 60 Stat. 86, related to transportation for personnel of the War and Navy Departments, Maritime Commission, and private plants engaged at war production, and are now covered by section 2632 of Title 10, Armed Forces.

FREE ENTRY OF GIFTS FROM MEMBERS OF ARMED FORCES

ACT DEC. 5, 1942, CH. 680, 56 STAT. 1041

§§ 846, 847. Omitted.

Section 846, acts Dec. 5, 1942, ch. 680, §1, 56 Stat. 1041; Aug. 8, 1947, ch. 515, § 3(a), 61 Stat. 917; May 14, 1957, Pub. L. 85-30, § 1 71 Stat. 29, authorized free entry for gifts from members of the armed forces on duty abroad, and expired on July 1, 1961, by the provisions of former section 847 of this title.

Section 847, acts Dec. 5, 1942, ch. 680, § 2, 56 Stat. 1041; Aug. 8, 1947, ch. 515, § 33(c), 61 Stat. 917; Aug. 17, 1949, ch. 454, 63 Stat. 612; Feb. 21, 1951, ch 1, 65 Stat. 3; Apr. 4, 1954, ch. 20, 67 Stat. 22; July 28, 1955, ch 425, 69 Stat. 394; May 14, 1957, Pub. L. 85-30, § 2, 71 Stat. 29; July 17, 1959, Pub. L. 86-99, 73 Stat. 223, provided that section 846 of this title shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after Dec 5, 1942 and before July 1, 1961.

FREE POSTAGE FOR ARMED FORCES PERSONNEL

ACT JULY 12, 1950, CH. 460, 64 STAT. 336

§§ 891, 892. Omitted.

Section 891, acts July 12, 1950, ch. 460, § 1, 64 Stat. 336; Mar. 23, 1953, ch. 9, § 1, 67 Stat. 7, authorized free postage to Armed Forces personnel in specified areas and expired on June 30, 1955, by the terms of former section 892 of this Appendix.

Section 892, acts July 12, 1950, ch. 460, § 2, 64 Stat. 336; June 26, 1951, ch. 152, 65 Stat. 90; Mar. 23, 1953, ch. 9, § 2, 67 Stat. 7, provided that the free mailing privileges authorized by section 891 of this title shall be effective from July 12, 1950 to June 30, 1955.

EMERGENCY PRICE CONTROL ACT OF 1942

ACT JAN. 30, 1942, CH. 26, 56 STAT. 23

TITLE I.—GENERAL PROVISIONS AND AUTHORITY

TERMINATION DATE

Sections 901—906, 921, 922, 923, 925, 926 and 941—946 of this Appendix terminated June 30, 1947 under the provisions of act July 25, 1946, ch. 671, § 1, 60 Stat. 664.

CROSS REFERENCES

Price and wage stabilization under the Defense Production Act of 1950, see sections 2101—2112 of this Appendix.

§§ 901 to 906. Omitted.

CODIFICATION

Section 901, acts Jan. 30, 1942, ch. 26, title I, § 1, 56 Stat. 23; Oct. 2, 1942, ch. 578, § 7 (a), 56 Stat. 767; June 30, 1944, ch. 325, title I, § 101, 58 Stat. 632; June 30, 1945, ch. 214, § 1, 59 Stat. 306; July 25, 1946, ch. 671, § 1, 60 Stat. 664, related to purposes, time limit, and applicability of former section 901 et seq. of this Appendix.

Section 901a, act Jan. 30, 1942, ch. 26, title I, § 1a, as added July 25, 1946, ch. 671, § 3, 60 Stat. 664, related to purposes and policies of decontrol during transition period. Subsec. (h) of section 1a of act Jan. 30, 1942, ch. 26, title I, as added July 25, 1946, ch. 671, § 3, 60 Stat. 669, formerly classified to subsec. (h) of section 901a of this appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653.

Section 902, acts Jan. 30, 1942, ch. 26, title I, § 2, 56 Stat. 24; July 16, 1943, ch. 241, § 5 (a), 57 Stat. 566; June 30, 1944, ch. 325, title I, § 102, 58 Stat. 632; June 30, 1945, ch. 214, §§ 3, 4, 59 Stat. 306; July 25, 1946, ch. 671, §§ 4, 5, 7—10, 60 Stat. 670, 671, 673, related to regulation of prices, rents, and market and renting practices. Act Jan. 30, 1942, ch. 26, title I, § 2, 56 Stat. 24, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 903, acts Jan. 30, 1942, ch. 26, title I, § 3, 56 Stat. 27; June 30, 1944, ch. 325, title I, § 103, 58 Stat. 636; June 30, 1945, ch. 214, § 5 (a), 59 Stat. 307, related to maximum prices of agricultural commodities.

Section 904, act Jan. 30, 1942, ch. 26, title I, § 4, 56 Stat. 28, prohibited violation of rules and regulations relating to prices, rents, and market and renting practices and disclosure or use of information otherwise than in course of official duty. Act Jan. 30, 1942, ch. 26, title I, § 4(c), 56 Stat. 28, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 905, act Jan. 30, 1942, ch. 26, title I, § 5, 56 Stat. 28, authorized Administrator to confer with groups having to do with commodities and to enter into voluntary agreements relating to purposes of former section 901 et seq. of this Appendix.

Section 906, act Jan. 30, 1942, ch. 26, title I, § 6, as added July 5, 1946, ch. 671, § 11, 60 Stat. 675, provided for the establishment and adjustment of maximum prices.

TITLE II.—ADMINISTRATION AND ENFORCEMENT

§§ 921 to 926. Omitted.

CODIFICATION

Section 921, acts Jan. 30, 1942, ch. 26, title II, § 201, 56 Stat. 29; June 30, 1944, ch. 325, title I, § 104, 58 Stat. 637, related to the administration of former section 901 et seq. of this Appendix, with provisions for Office of Price Administration under Price Administrator, regional offices, issuance of regulations and orders and transfer of functions. Act Jan. 30, 1942, ch. 26, title II, § 201, 56 Stat. 29, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 922, acts Jan. 30, 1942, ch. 26, title II, § 202, 56 Stat. 30; June 30, 1944, ch. 325, title I, § 105, 58 Stat.

637, authorized Administrator to conduct investigations, require records and reports, and initiate contempt proceedings for violation of subpenas, and established right to specifically claim privilege against self-incrimination. Act Jan. 30, 1942, ch. 26, title II, § 202, 56 Stat. 30, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 922a, which was from appropriation acts June 28, 1944, ch. 304, title I, § 101, 58 Stat. 601; July 5, 1945, ch. 271, title I, § 101, 59 Stat. 415; July 23, 1946, ch. 591, title I, § 101, 60 Stat. 610, and was not enacted as a part of the Emergency Price Control Act of 1942, former section 901 et seq. of this Appendix, authorized Office of Price Administration employees, when designated, to administer oaths, etc., in connection with Office functions.

Section 923, act Jan. 30, 1942, ch. 26, title II, § 203, 56 Stat. 31; June 30, 1944, ch. 325, title I, § 106, 58 Stat. 638; July 30, 1947, ch. 361, title I, § 101, 61 Stat. 619, related to protest proceedings. Section 101 of act July 30, 1947 provided in part for the dismissal of protest under former section 923 of this Appendix on the ground of laches.

Section 924, acts Jan. 30, 1942, ch. 26, title II, § 204, 56 Stat. 31; June 30, 1944, ch. 325, title I, § 107, 58 Stat. 639; June 30, 1945, ch. 214, § 6, 59 Stat. 308; July 30, 1947, ch. 361, title I, § 101, 61 Stat. 619; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107, authorized review of orders of the Office of Price Administrator under the Emergency Prize Control Act of 1942, and created the Emergency Court of Appeals for this purpose. The Emergency Price Control Act of 1942 terminated on June 30, 1947, under the provisions of act July 25, 1946, ch. 671, § 1, 60 Stat. 664. The Housing and Rent Act of 1948, act Mar. 30, 1948, ch. 161, 62 Stat. 93, classified to section 1881 of this Appendix, continued the Court for the purpose of reviewing recommendations of local advisory boards for the decontrol or adjustment of maximum rents. Later, the Defense Production Act of 1950, act Sept. 8, 1950, ch. 932, 64 Stat. 798, classified to sections 2061-2166 of this Appendix, continued the Court to review regulations and orders relating to price control. The Housing and Rent Act of 1948 and the Defense Production Act of 1950 both terminated, however, the Court remained in existence "to complete the adjudication of rights and liabilities incurred prior to their termination dates." (Transcript of Proceedings of the Final Session of the Court, 299 F.2d 1.) The final decision of the Court, Rosenzweig v. General Services Administration, 1961, 299 F.2d 22, was decided on Dec. 6, 1961. A petition for rehearing was denied on Jan. 2, 1962, and a petition for writ of certiorari to the Supreme Court of the United States was denied on Mar. 19, 1962, 825, Ct. 830.

The order of Chief Judge Albert B. Maris, set forth in 299 F.2d 20, provided:

"The business of this Court having been completed, it is ordered that at the expiration of 30 days from this date, if a petition for certiorari has not been filed in the Supreme Court in Case No. 676 [Rosenzweig v. General Services Administration], just decided, the acting clerk shall deliver the records and papers of the Court in his office to the General Services Administration for permanent custody as records of the Government, and shall thereupon inform the Chief Justice of the United States that the work of the Court has been completed and that the designations of the judges of the Court may therefore appropriately be terminated.

"If a petition for certiorari is filed in Case No. 676 this order shall take effect and be carried out at the expiration of 30 days after the final disposition of Case No. 676."

In accordance with the terms of this order, the petition for certiorari having been filed, and denied Mar. 19, 1962, the Court terminated on Apr. 18, 1962.

Section 925, acts Jan. 30, 1942, ch. 26, title II, § 205, 56 Stat. 33; June 30, 1944, ch. 325, title I, § 108, 58 Stat. 640; July 25, 1946, ch. 671, §§ 12, 13, 60 Stat. 676, 677; July 30, 1947, ch. 361, title I, § 101, 61 Stat. 619, related to enforcement and recovery of damages and penalties.

Section 926, act Jan. 30, 1942, ch. 26, title II, § 206, 56 Stat. 35, provided for standards, limitations, publication in Federal Register, protest and review of price schedules issued prior to the Administrator's taking of office.

TITLE III.—MISCELLANEOUS

§§ 941 to 946. Omitted.

CODIFICATION

Section 941, act Jan. 30, 1942, ch. 26, title III, § 301, 56 Stat. 36, related to transmission of quarterly reports to Congress.

Section 942, acts Jan. 30, 1942, ch. 26, title III, § 302, 56 Stat. 36; June 30, 1945, ch. 214, § 5 (b), 59 Stat. 308, contained definitions of terms used in the Emergency Price Control Act of 1942, former section 901 et seq. of this Appendix.

Section 943, act Jan. 30, 1942, ch. 26, title III, § 303, 56 Stat. 37, contained separability provisions.

Section 944, act Jan. 30, 1942, ch. 26, title III, § 304, 56 Stat. 37, authorized appropriations.

Section 945, act Jan. 30, 1942, ch. 26, title III, § 305, 56 Stat. 37, related to application of existing law.

Section 946, act Jan. 30, 1942, ch. 26, title III, § 306, 56 Stat. 37, provided as short title for former section 901 et seq. of this Appendix, "Emergency Price Control Act of 1942."

STABILIZATION ACT OF 1942

ACT OCT. 2, 1942, CH. 578, 56 STAT. 765

§§ 961 to 971. Omitted.

CODIFICATION

Section 961, act Oct. 2, 1942, ch. 578, § 1, 56 Stat. 765, related to stabilization by President of prices, wages and salaries affecting cost of living and to public utility rate increases.

Section 962, act. Oct. 2, 1942, ch. 578, § 2, 56 Stat. 765, provided for promulgation of regulations, delegation of authority and suspension of certain provisions of Emergency Price Control Act of 1942, former section 901 et seq. of this Appendix.

Section 963, acts Oct. 2, 1942, ch. 578, § 3, 56 Stat. 766; June 30, 1944, ch. 325, title II, § 201, 58 Stat. 642; June 30, 1945, ch. 214, § 7, 59 Stat. 309; June 25, 1946, ch. 671, § 14, 60 Stat. 677, related to maximum prices for agricultural commodities and products.

Section 963a, act Oct. 2, 1942, ch. 578, § 3A, added June 30, 1945, ch. 214, § 8, 59 Stat. 309, related to slaughter of animals, certification of plants, conditions, partial plant certification, inspection, status of meat for transportation purposes and revocation and termination of certification.

Section 964, acts Oct. 2, 1942, ch. 578, § 4, 56 Stat. 766; Apr. 12, 1943, ch. 52, § 4 (a), 57 Stat. 63; June 30, 1944, ch. 325, title II, § 202, 58 Stat. 642, related to wages and salaries and limitations on control.

Section 964a, act Apr. 12, 1943, ch. 52, § 4 (b), 57 Stat. 63, related to rescission of stabilization of wages order.

Section 965, act Oct. 2, 1942, ch. 578, § 5, 56 Stat. 767, related to wages and salaries, prohibition of violation of regulations, employer's reduction of salaries over $5,000 and regulation of payment of double time.

Section 966, acts Oct. 2, 1942, ch. 578, § 6, 56 Stat. 767; June 30, 1944, ch. 325, title II, § 203, 58 Stat. 643; June 30, 1945, ch. 214, § 2, 59 Stat. 306; June 25, 1946, ch. 671, § 2, 60 Stat. 664, provided for the expiration of sections 961—964, 965—967, 970 and 971 of this Appendix on June 30, 1947, or on such earlier date as the Congress by concurrent resolution or the President by proclamation might prescribe.

Section 967, act Oct. 2, 1942, ch. 578, § 7, 56 Stat. 767, amended the Emergency Price Control Act of 1942, § 1 (b), former section 901 (b) of this Appendix, and made that act, former section 901 et seq. of this Appendix applicable to, and provided for its construction with, former section 961 et seq. of this Appendix.

Section 968, acts Oct. 2, 1942, ch. 578, § 8, 56 Stat. 767; June 30, 1944, ch. 325, title II, § 204, 58 Stat. 643; Oct. 3, 1944, ch. 479, § 37 (a), 58 Stat. 784, related to crop loans.

Section 969, act Oct. 2, 1942, ch. 578, § 9, 56 Stat. 768, amended provision in section 713a-8 of Title 15, Commerce and Trade, relating to encouragement of production of non-basic agricultural commodities.

Section 970, act Oct. 2, 1942, ch. 578, § 10, 56 Stat. 768, defined wages and salaries.

Section 971, act Oct. 2, 1942, ch. 578, § 11, 56 Stat. 768, provided penalties for violations.

TERMINATION DATE

Sections 961—964, 965—967, 970 and 971 of this Appendix expired on June 30, 1947, by the provisions of act Oct. 2, 1942, ch. 578, § 6, 56 Stat. 767, as amended, former section 966 of this Appendix.

Section 964a expired upon the expiration of former sections 961—964, 965—967, 970 and 971 of this Appendix on June 30, 1947.

Sections 968, 969 expired by their own terms on Dec. 31, 1948, which was two years after the termination of hostilities of World War II as proclaimed at 12 o'clock noon on Dec. 31, 1946, by 1946 Proc. No. 2714, 12 F. R. 1, set out as a note under section 601 of this Appendix.

EXTENSION OF SUGAR CONTROLS

ACT MAR. 31, 1947, CH. 30, 61 STAT. 35

§§ 981 to 985. Omitted.

CODIFICATION

Section 981, act Mar. 31, 1947, ch. 30, § 1, 61 Stat. 35, extended certain laws with respect to sugar to and including Oct. 31, 1947, and the authority to continue inventory controls over other than household users to and including Mar. 31, 1948, and provided for certain powers and duties of the Secretary of Agriculture and specified limitations in connection with the control of said commodity.

Section 982, act Mar. 31, 1947, ch. 30, § 2, 61 Stat. 36, authorized the Secretary of Agriculture to remove controls prior to the termination of sections 981—985 of this Appendix when sugar supplies were sufficient to warrant such action.

Section 983, act Mar. 31, 1947, ch. 30, § 3, 61 Stat. 36, provided for the transfer of functions, powers and duties relating to sugar, which were vested in the President, any executive department and the Price Administrator by certain acts, to the Secretary of Agriculture, the continuance of rules and regulations promulgated by said persons and the transfer of appropriations.

Section 984, act Mar. 31, 1947, ch. 30, § 4, 61 Stat. 37, related to unlawful actions and penalties therefor. Act Mar. 31, 1947, ch. 30, § 4, 61 Stat. 37, was repealed by Pub. L. 89-544, § 8(a), Sept. 6, 1966, 80 Stat. 654.

Section 985, act Mar. 31, 1947, ch. 30, § 5, 61 Stat. 37, defined the terms person and sugar.

MISSING PERSONS ACT

ACT MAR. 7, 1942, CH. 166, 56 STAT. 143

§§ 1001 to 1012. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651—654, 656, 657, 659, 662.

Section 1001, acts Mar. 7, 1942, ch. 166, § 1, 56 Stat. 143; July 1, 1944, ch. 371, § 1, 58 Stat. 679; May 16, 1947, ch. 70, § 1, 61 Stat. 96; Aug. 29, 1957, Pub. L. 85-217, § 1(a), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, § 1(1), (2), 78 Stat. 437, defined terms used in sections 1001—1018 of this Appendix. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5561 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 551 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1002, acts Mar. 7, 1942, ch. 166, § 2, 56 Stat. 144; July 1, 1944, ch. 371, § 2, 58 Stat. 679; Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(b), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, § 1(3), 78 Stat. 437, related to continuance of pay and allowances for missing interned or captive persons, and limited fees of agents or attorneys. For that portion of this section applicable to civilian officers and employees and their dependents, see sections 5561 and 5562 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see sections 551 and 552 of Title 37, Pay and Allowances of the Uniformed Services.

Act June 23, 1942, ch. 444, § 1, 56 Stat. 389, which authorized use of funds for payments to persons subject to former section 1002 of this Appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1003, acts Mar. 7, 1942, ch. 166, § 3, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1092; July 1, 1944, ch. 371, § 3, 58 Stat. 680, provided for continuance or establishment by department head of allotments for dependents and insurance. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5563 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 553 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1004, acts Mar. 7, 1942, ch. 166, § 4, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093; July 1, 1944, ch. 371, § 4, 58 Stat. 680, provided for continuance, suspension, or resumption of pay and allowances by department head, and limited duration of allotments. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5563 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 553 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1005, acts Mar. 7, 1942, ch. 166, § 5, 56 Stat. 145; Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093; Aug. 14, 1964, Pub. L. 88-428, § 1(4), 78 Stat. 437, related to departmental review, continuance of missing status or finding of death after year's absence, and date of termination of pay and allowances. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5565 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 555 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1006, acts Mar. 7, 1942, ch. 166, § 6, 56 Stat. 145; Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093; Apr. 4, 1953, ch. 17, § 1(b), 67 Stat. 21; Aug. 14, 1964, Pub. L. 88-428, § 1(5), 78 Stat. 437, related to payment of allotments in case of captured or interned persons until death or return to jurisdiction. For that portion of this section applicable to civilian officers and employees and their dependents, see sections 5562 and 5563 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services, see sections 552 and 553 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1007, acts Mar. 7, 1942, ch. 166, § 7, 56 Stat. 145; Aug. 14, 1964, Pub. L. 88-428, § 1(6), 78 Stat. 437, related to authority of department head to create new allotments and to continue or change amounts of old allotments. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5563 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 553 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1008, act Mar. 7, 1942, ch. 166, § 8, 56 Stat. 145, provided penalty for fraudulent receipt of payments.

Section 1009, acts Mar. 7, 1942, ch. 166, § 9, 56 Stat. 145; July 1, 1944, ch. 371, § 5, 58 Stat. 680; Apr. 4, 1953, ch. 17, § 1(c), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492, related to determinations by department heads or designees, and to conclusiveness relative to status of personnel, payments, or death. For that portion of this section applicable to civilian officers and employees and their dependents, see sections 5565-5567 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see sections 555-557 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1010, acts Mar. 7, 1942, ch. 166, § 10, 56 Stat. 145; July 1, 1944, ch. 371, § 6, 58 Stat. 681; Aug. 14, 1964, Pub. L. 88–428, § 1(7), 78 Stat. 437, provided for fact of dependency, and authority to determine. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5566 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 556 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1011, act Mar. 7, 1942, ch. 166, § 11, 56 Stat. 146, related to settlement of accounts. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5567 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 557 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1012, acts Mar. 7, 1942, ch. 166, § 12, 56 Stat. 146; Feb. 12, 1946, ch. 6, § 1(a), 60 Stat. 5; Aug. 29, 1951, ch. 356, § 1, 65 Stat. 207; Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85–217, § 1(d), 71 Stat. 492; Aug. 14, 1964, Pub. L. 88–428, § 1(8), 78 Stat. 437; Oct. 19, 1965, Pub. L. 89–271, 79 Stat. 992, provided for moving dependents and effects of persons dead, injured, missing, or captured, for sale of motor vehicles and other bulky items, and claims for proceeds. For portions of this section applicable to civilian officers and employees and their dependents, see section 5564 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 554 of Title 37, Pay and Allowances of the Uniformed Services.

§ 1012a. Authorization of claims for reimbursement; ratification of prior payments.

CODIFICATION

Section, act Aug. 29, 1951, ch. 356, § 2, 65 Stat. 208, which was not enacted as part of the Missing Persons Act, sections 1001—1012 and 1013—1016 of this Appendix, (a) allowed presentation, for consideration, reconsideration or reimbursement during a period of 3 years following Aug. 29, 1951, of previously unpresented, rejected or disallowed claims for travel by dependents and for transportation of household and personal effects arising between Sept. 8, 1939, and Aug. 29, 1951, under former section 1012 of this Appendix, (b) ratified payments for travel by dependents and transportation of household and personal effects made by disbursing officers pursuant to former section 1012 of this Appendix, on or after March 7, 1942, and prior to Aug. 29, 1951, previously not allowed by virtue of inability to establish death or injury as a result of military or naval operations, and (c) ratified payments made on and after June 25, 1950, and prior to Aug. 29, 1951, for transportation, packing, and unpacking of privately owned motor vehicles transported under the conditions set forth in former section 1012 of this Appendix.

§§ 1013 to 1017. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651, 654, 657, 658, 659, 662.

Section 1013, acts Mar. 7, 1942, ch. 166, § 13, 56 Stat. 146; Aug. 8, 1947, ch. 515, § 6, 61 Stat. 918; Aug. 14, 1964, Pub. L. 88–428, § 1(9), 78 Stat. 437, provided for income tax deferment for certain persons in Government service not in position to pay taxes because of service. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5568 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 558 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1014, acts Mar. 7, 1942, ch. 166, § 14, 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21, related to application of the Missing Persons Act to persons besieged by a hostile force. For that portion of this section applicable to civilian officers and employees and their dependents, see sections 5561–5564 and 5566 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see sections 551–554 and 556 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1015, acts Mar. 7, 1942, ch. 166, § 15, 56 Stat. 147; Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1092; Apr. 4, 1953, ch. 17, § 1(f), 67 Stat. 21; Jan. 30, 1954, ch. 3, 68 Stat. 7; June 30, 1955, ch. 254, 69 Stat. 238; July 20, 1956, ch. 658, 70 Stat. 595; Aug. 7, 1957, Pub. L. 85–121, 71 Stat. 341; Aug. 29, 1957, Pub. L. 85–217, § 1(e), 71 Stat. 493, prescribed the effective date.

Section 1016, act Mar. 7, 1942, ch. 166, § 16, 56 Stat. 147, amended the Civil Service Retirement Act.

Section 1017, act Mar. 7, 1942, ch. 166, § 17, 56 Stat. 148, authorized a lock for Saint Marys Falls Canal, Mich.

§ 1018. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

Section, act Mar. 7, 1942, ch. 166, § 18, 56 Stat. 148, related to base pay increases for military and naval personnel serving at sea or outside United States, and is now covered by section 305 of Title 37, Pay and Allowances of the Uniformed Services.

SMALL BUSINESS MOBILIZATION ACT

ACT JUNE 11, 1942, CH. 404, 56 STAT. 351

§§ 1101 to 1109. Omitted.

CODIFICATION

Section 1101, act June 11, 1942, ch. 404, § 1, 56 Stat. 351, which related to mobilization of productive capacity by Chairman of War Production Board, expired upon termination of Board. Act June 11, 1942, ch. 404, § 1, 56 Stat. 351, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1102, act June 11, 1942, ch. 404, § 2, 56 Stat. 352, which related to powers of Chairman of War Production Board, expired upon termination of Board.

Section 1103, act June 11, 1942, ch. 404, § 3, 56 Stat. 352, which related to certification of contractors by Chairman, expired upon termination of Board.

Section 1104, acts June 11, 1942, ch. 404, § 4, 56 Stat. 353; Dec. 8, 1944, ch. 549, 58 Stat. 799; Apr. 27, 1945, ch. 98, §§ 1, 2 (a), 59 Stat. 95, which created the Smaller War Plants Corporation and enumerated its powers and duties, expired on Dec. 31, 1946, by its own terms. Act June 11, 1942, ch. 404, § 4, 56 Stat. 353, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1105, act June 11, 1942, ch. 404, § 5, 56 Stat. 355, which related to reports of Chairman of War Production Board, expired upon termination of Board.

Section 1106, act June 11, 1942, ch. 404, § 6, 56 Stat. 355, which related to Defense Plant Corporation, expired upon dissolution of Corporation by Joint Res. June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945.

Section 1107, acts June 11, 1942, ch. 404, § 7, 56 Stat. 355; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501, which related to participation, by the Army and Navy Departments and the United States Maritime Commission, in loans, guaranties, and commitments in accordance with 1942 Ex. Ord. No. 9112, Mar. 26, 1942, 7 F. R. 2367, and to participation in or guarantee of, by those Departments and Commission, any loans made pursuant to act June 11, 1942, ch. 404, 56 Stat. 351, formerly classified to sections 1101—1111 of this Appendix, with a view to increasing the production of war materials, etc., has been executed and is obsolete. The 1942 Ex. Ord. No. 9112 was superseded by 1950 Ex. Ord. No. 10161, Sept. 9, 1950, 15 F. R. 6105, and set out in note under section 2071 of this Appendix, and all of act June 11, 1942, to which section 1107 could have related, has likewise expired.

Section 1108, act June 11, 1942, ch. 404, § 8, 56 Stat. 355, amended section 84 of Title 12, and its provisions are incorporated in the latter section.

Section 1109, act June 11, 1942, ch. 404, § 9, 56 Stat. 355, omitted as section 606b of Title 15 was omitted by act June 30, 1947, ch. 166, title I, § 1, 61 Stat. 202.

§ 1110. Insured banks as depositaries of public money; duties; security; discrimination between banks prohibited; repeal of inconsistent laws.

CODIFICATION

Section has been transferred to section 265 of Title 12, Banks and Banking.

§ 1111. Construction with other laws and Executive Orders.

CODIFICATION

Section, act June 11, 1942, ch. 404, § 11, 56 Stat. 357, was dependent upon former sections 1101—1103 of this Appendix and was omitted as those sections were omitted upon termination of the War Production Board.

§ 1112. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Section, act June 11, 1942, ch. 404, § 12, 56 Stat. 357, related to suspension of the anti-trust laws.

OUTSTANDING CERTIFICATES

Joint Res. July 25, 1947, ch. 327, § 1, 61 Stat. 449, repealing this section, provided that outstanding certificates issued under this former section should continue in effect for a period of six months from July 25, 1947, unless sooner revoked.

WAR AND DEFENSE CONTRACT ACTS

Sec.

ACT JUNE 28, 1940

1151. Advance and partial payments on defense contracts; lien on payments.

1152. Contracts for acquisition, construction and repair of naval vessels, aircraft, and equipment therefor.
- (a) (1) Negotiation authorized; priority of deliveries; open market purchases; bond; limitation of contractor's fee.
- (2) Material entitled to priority in delivery.
- (3) Inspection of records and property; investigations.
- (4) Attendance of witnesses; production of evidence; fees; disclosure of information.
- (5) Penalties for violation.
- (6) Jurisdiction of courts; venue of proceedings; service of process; costs.
- (7) Liability for default on contract or orders.
- (8) Exercise of powers by President.
- (9) Injunction proceedings; jurisdiction; venue.
- (b) Expired.

1153 to 1162. Omitted.

ACT JULY 2, 1940

1171, 1172. Repealed.

ACT JULY 17, 1953

1173 to 1175. Omitted.

ACT JULY 11, 1941

1181. Repealed.

ACT APR. 28, 1942

1191. Renegotiation of contracts; determination and recovery of excess profits.
- (a) Definitions.
- (b) Provisions required to be inserted in contracts in excess of $100,000.
- (c) Renegotiation of contract price on determination of excess profits; notice of renegotiation; conclusiveness of Board's order; withholding of amounts due contractors; actions by United States; limitations; agreements with contractors; filing of financial statements; powers of Board; Bureau of Internal Revenue services available; contracts included.
- (d) Abolished.
- (e) Petition for redetermination; limitation; jurisdiction of the Tax Court; powers and duties of court; payment of fees and expenses; finality of determination.
- (f) Repricing of war contracts.
- (g) Separability of section.
- (h) Profits affected; termination date.
- (i) Contracts exempted; Board's interpretation and application of exemptions.
- (j) Persons authorized to prosecute claims against United States.
- (k) Limitation on authority of Secretaries of Departments.
- (l) Short title.

ACT FEB. 25, 1944

1192. Repricing of war contracts.

ACT MAY 21, 1948

1193. Renegotiation of airplane contracts.
- (a) Renegotiation article.
- (b) Power and duties of Secretary of Defense; elimination of excess profits; agreements; tax credits.
- (c) Audit of books and records of contractors or subcontractors; use of services of Bureau of Internal Revenue.
- (d) Contracts excepted.
- (e) Conclusiveness of agreements or orders; fraud or malfeasance; redetermination by Tax Court.
- (f) Publication of regulations, standards, and procedures.
- (g) Delegation of powers and duties of Secretary of Defense.
- (h) Penalties.
- (i) Short title.

ACT DEC. 17, 1942

1201. Acquisition and operation of buildings and facilities by Secretary of Navy.

ACT MAR. 23, 1951

TITLE I.—RENEGOTIATION OF CONTRACTS

1211. Congressional declaration of policy.

1212. Contracts subject to renegotiation.
- (a) Generally.
- (b) Performance prior to July 1, 1950.
- (c) Termination.
- (d) Renegotiation Act of 1948.
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1213. Definitions.
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- (b) Secretary.
- (c) Board.
- (d) Renegotiate and renegotiation.
- (e) Excessive profits.
- (f) Profits derived from contracts with the departments and subcontracts.
- (g) Subcontract.
- (h) Fiscal year.
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- (j) Person.
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- (a) Proceedings before Board.
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1217. Renegotiation Board.
- (a) Creation.
- (b) Places of meetings and quorum.
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- (e) Organization and operation of Board.
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1217a. Repealed.

1218. Review by the Tax Court.

1218a. Review of Tax Court decisions.
- (a) Jurisdiction.
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1219. Rules and regulations.
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TITLE II.—GENERAL PROVISIONS

1231. Functions under World War II Renegotiation Act.
(a) Abolition of War Contracts Price Adjustment Board.
(b) Transfer of functions generally.
(c) Amendment of the Renegotiation Act.
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(h) Savings provision.
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1232. Period of limitations for Renegotiation Act of 1948.
1233. Amendment of section 3806 of Title 26.

CROSS REFERENCES

"Defense contractor" defined, see section 50 of Title 41, Public Contracts.

Honorable discharge from land and naval forces as substitute for birth certificate required for defense employment, see section 49 of Title 41, Public Contracts.

National defense contracts as exempt from certain provisions of law, see sections 1431—1435 of Title 50, War and National Defense.

ACT JUNE 28, 1940, CH. 440, 54 STAT. 676

§ 1151. Advance and partial payments on defense contracts; lien on payments.

CODIFICATION

Section, act June 28, 1940, ch. 440, title I, § 1, 54 Stat. 676, terminated June 30, 1942, under former section 1162 of this Appendix. Notwithstanding such termination, a provision of this section concerning reports to Congress was repealed by act Aug. 7, 1946, ch. 770, § 1 (25), 60 Stat. 868. Advance payments on government contracts are now covered by section 255 of Title 41, Public Contracts and sections 1431—1435 of Title 50, War and National Defense.

§ 1152. Contracts for acquisition, construction and repair of naval vessels, aircraft, and equipment therefor.

(a) (1) Negotiation authorized; priority of deliveries; open market purchases; bond; limitation of contractor's fee.

Whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided,* That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U. S. C. §§ 35 to 45): *Provided further,* That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a)—(d)): *Provided further,* That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further,* That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this paragraph, or any Department of the Army contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of the Army, as the case may be).

(2) Material entitled to priority in delivery.

Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" [sections 411 to 419 of Title 22];

(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;

(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection.

Deliveries under any contract or order specified in this subsection may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

(3) Inspection of records and property; investigations.

The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection, shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection.

(4) Attendance of witnesses; production of evidence; fees; disclosure of information.

For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3) of this subsection, the President may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both.

(5) Penalties for violation.

Any person who willfully performs any act prohibited, or willfully fails to perform any act required by, any provision of this subsection or any rule, regulation, or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

(6) Jurisdiction of courts; venue of proceedings; service of process; costs.

The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this subsection or any rule, regulation, or order or subpena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection to enforce any liability or duty created by, or to enjoin any violation of, this subsection or any rule, regulation, order, or subpena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection.

(7) Liability for default on contract or orders.

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

(8) Exercise of powers by President.

The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may direct and in conformity with any rules or regulations which he may prescribe.

(9) Injunction proceedings; jurisdiction; venue.

The district courts of the United States are given exclusive jurisdiction to enjoin or set aside, in whole or in part, any order suspending any priority or allocation, or denying a stay of any such suspension, that may have been issued by any person, officer, or agency, acting or purporting to act hereunder, or under any other law or authority.

Any action to enjoin or set aside any such order shall be brought within five days after the service thereof.

No suspension order shall take effect within five days after it has been served, or, if an application for a stay is made to the issuing authority within such five-day period, until the expiration of five days after service of an order denying the stay.

The venue of any such suit shall be in the district court of the United States for the district in which the petitioner has his principal place of business; and the respondent shall be subject to the jurisdiction of such court after ten days before the return day of the writ, either when (1) process shall have been served on any district manager or other agent of the respondent of similar or superior status; or (2) notice by registered mail shall have been given to respondent, or to the office of the Attorney General of the United States.

(b) Expired.

(June 28, 1940, ch. 440, title I, § 2, 54 Stat. 676; Sept. 9, 1940, ch. 717, title II, § 201, 54 Stat. 875; May 31, 1941, ch. 157, 55 Stat. 236; Mar. 27, 1942, ch. 199, title III, § 301, 56 Stat. 177; Dec. 20, 1944, ch. 614, 58 Stat. 827; Proc. No. 2695, July 4, 1946, 11 F.R. 7817, 60 Stat. 1352; Aug. 7, 1946, ch. 770, § 1 (26, 31), 60 Stat. 868; Oct. 15, 1970, Pub. L. 91-452, title II, § 249, 84 Stat. 931.)

REFERENCES IN TEXT

Reference to Act of August 24, 1935, 49 Stat. 793; 40 U.S.C. § 270(a)-(d), probably was intended to be a reference to sections 270a to 270d of title 40.

Sections 411 to 419 of Title 22, referred to in text, have been omitted as executed.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

Words "and the courts of the Philippine Islands", in subsec. (a)(6), were deleted in view of the independence of the Philippines upon authority of Proc. No. 2695, set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1970—Subsec. (a)(4). Pub. L. 91-452 struck out the provisions which related to the immunity from prosecution of any individual compelled to testify or produce evidence, documentary or otherwise, after claiming his privilege against self-incrimination.

1946—Subsec. (a)(1). Act Aug. 7, 1946, repealed the proviso requiring the Secretary of the Navy to report every three months to Congress the contracts entered into under authority of par. (1).

1944—Subsec. (a). Act Dec. 20, 1944, added par. (9).

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

SAVINGS PROVISION

Amendment by Pub. L. 91-452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

EXPIRATION OF SECTION

Subsec. (a) of this section was amended by Title III of the Second War Powers Act, act Mar. 27, 1942, and did not expire on June 30, 1942, with the other provisions of sections 1151—1162.

Subsec. (b) of this section expired June 30, 1942, under former section 1162 of this Appendix. It required contracts for naval vessels under section 496 of former Title 34 to contain limitations on excess profits. Renegotiation of contracts is now covered by section 1211 et seq. of this Appendix.

CONTINUATION OF IMPORT CONTROLS OVER FATS AND OILS AND RICE AND RICE PRODUCTS UNTIL AUG. 1, 1951

Act June 30, 1950, c. 426, 64 Stat. 308, as amended June 30, 1951, c. 198, § 3, 65 Stat. 111, continued Title III of the Second War Powers Act, 1942, as amended [this section] until Aug. 1, 1951, for the purpose of authorizing and exercising, administering, and enforcing of import controls with respect to fats and oils (including oil-bearing materials, fatty acids, butter, soap and soap powder, but excluding petroleum and petroleum products and coconuts and coconut products) and rice and rice products, upon a determination by the President that such controls are (a) essential to the acquisition or distribution of products in world short supply or (b) essential to the orderly liquidation of temporary surpluses of stocks owned or controlled by the Government.

Similar provisions continuing the controls until July 1, 1950, were contained in Act July 1, 1949, c. 292, 63 Stat. 405.

OFFICE OF DEFENSE TRANSPORTATION

Ex. Ord. No. 9729, May 23, 1946, 11 F. R. 5641, related to the functions and duties of the Office of Defense Transportation, which was terminated by Ex. Ord. No. 10065, July 6, 1949, eff. July 1, 1949.

CROSS REFERENCES

Extension of certain provisions of this section, see section 645 of this Appendix.

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 1523.

§§ 1153 to 1162. Omitted.

CODIFICATION

Sections 1153, 1154, and 1156—1162 terminated June 30, 1942, and section 1155 terminated Apr. 30, 1943, under the provisions of section 1162.

Section 1153, act June 28, 1940, ch. 440, title I, § 3, 54 Stat. 677, limited the provisions of section 496 of former Title 34 to contracts exceeding $25,000.

Section 1154, act June 28, 1940, ch. 440, title I, § 4, 54 Stat. 677, provided for certification as to necessity and cost of special additional equipment and facilities acquired to facilitate construction of aircraft or naval vessels under section 496 of former Title 34. Notwithstanding the termination of this section on June 30, 1942, a provision thereof concerning reports to Congress was repealed by act Aug. 7, 1946, ch. 770, § 1 (27), 60 Stat. 868.

Section 1155, act June 28, 1940, ch. 440, title I, § 5, 54 Stat. 678, related to working hours and overtime compensation of Navy, Coast Guard, and Army employees. Res. July 3, 1942, ch. 482, 56 Stat. 645, as amended Oct. 2, 1942, ch. 577, 56 Stat. 765; Dec. 22, 1942, ch. 798, 56 Stat. 1068, extended from June 30, 1942, to and including Apr. 30, 1943, the provisions for the payment of overtime rates of compensation contained in sections 1151—1162.

Section 1156, act June 28, 1940, ch. 440, title I, § 6, 54 Stat. 679; Aug. 21, 1941, ch. 385, 55 Stat. 654, related to reemployment of retired employees and to summary removal of civil service employees of the War and Navy Departments and the Coast Guard for national security reasons. Act Aug. 21, 1941, ch. 385, 55 Stat. 654, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1157, act June 28, 1940, ch. 440, title I, § 7, 54 Stat. 679, added a temporary section 8 to act Mar. 14, 1936, ch. 140, 49 Stat. 611, providing for vacation pay in lieu of vacation for Navy and Coast Guard employees. For accumulation of annual leave, see section 6301 et seq. of Title 5, Government Organization and Employees.

Section 1158, acts June 28, 1940, ch. 440, title I, § 8, 54 Stat. 680; Sept. 16, 1940, ch. 720, § 9, 54 Stat. 892, increased the limit of cost of vessels under section 498c-1 of former Title 34 and other statutes, suspended limitations on payments to certain Navy Department employees, and authorized the Secretary of the Navy to employ additional personnel and to provide and operate the necessary buildings, facilities, utilities, and appurtenances thereto for the purposes of sections 1151—1162. The latter provision is covered by section 1201 of this Appendix. Act Aug. 21, 1941, ch. 395, 55 Stat. 664, made the provisions of section 1158 applicable to naval public-works projects authorized by that act and all prior acts. Notwithstanding the termination of this section on June 30, 1942, a provision thereof concerning reports to Congress was repealed by act Aug. 7, 1946, ch. 770, § 1 (28), 60 Stat. 868.

Section 1159, act June 28, 1940, ch. 440, title I, § 9, 54 Stat. 680, authorized modification of existing Navy and Coast Guard contracts to expedite defense.

Section 1160, act June 28, 1940, ch. 440, title I, § 10, 54 Stat. 680, related to approval of certain Naval public-works contracts under act April 25, 1939, ch. 87, § 4, 53 Stat. 590.

Section 1161, act June 28, 1940, ch. 440, title I, § 11, 54 Stat. 680, related to employment of aliens in performance of secret, confidential, or restricted Government contracts.

Section 1162, act June 28, 1940, ch. 440, title I, § 12, 54 Stat. 681, provided that sections 1151—1161 should terminate June 30, 1942, unless Congress otherwise provided. Sections 1152 and 1155 were extended as shown in notes under those sections.

ACT JULY 2, 1940, CH. 508, 54 STAT. 712

§§ 1171, 1172. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1171, acts July 2, 1940, ch. 508, § 1, 54 Stat. 712; Sept. 9, 1940, ch. 717, title I, § 103, 54 Stat. 875; June 5, 1942, ch. 340, § 13, 56 Stat. 317, related to contracts for Army defense facilities, construction of facilities, acquisition of military equipment munitions, and supplies, suspension of limitations on costs, operation and maintenance of facilities, and disposal of land and facilities.

Section 1172, act July 2, 1940, ch. 508, § 5, 54 Stat. 714, related to contracts for emergencies affecting national defense; limitation of amount; report of expenditures; compliance with statutory conditions for contracts.

ACT JULY 17, 1953, CH. 221, 67 STAT. 177

§§ 1173 to 1175. Omitted.

Sections, act July 17, 1953, ch. 221, §§ 1—3, 67 Stat. 177, 178, provided for construction authority for the Armed Forces, activity reports by Secretary of Defense, and application to section 551 of Title 40, respectively.

Section 1173 amended July 26, 1954, ch. 570, § 2, 68 Stat. 531.

Such provisions expired under the earlier date providing for their existence until six months after termination of national emergency proclaimed by the President on Dec. 16, 1950, or until such date as may be specified by a concurrent resolution of the Congress, or until July 1, 1957, under provisions of act June 21, 1956, ch. 420, 70 Stat. 325.

Section 1175 which prohibited construction to repeal or modify section 551 of Title 40 was also made inoperative with the repeal of such section 551 by act Aug. 10, 1956, ch. 1041, § 53, 70 Stat. 641.

ACT JULY 11, 1941, CH. 290, § 3, 55 STAT. 585

§ 1181. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Section, act July 11, 1941, ch. 290, § 3, 55 Stat. 585, authorized the Secretary of the Treasury to negotiate contracts for Coast Guard vessels, aircraft and equipment on the basis provided by section 1152 (a) of this Appendix.

ACT APR. 28, 1942, CH. 247, TITLE IV, § 403, 56 STAT. 245

§ 1191. Renegotiation of contracts; determination and recovery of excess profits.

(a) Definitions.

For the purposes of this section—

(1) The term "Department" means the Department of the Army, the Navy Department, the Treasury Department, the Maritime Commission, the War Shipping Administration, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, respectively.

(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission, in the case of the War Shipping Administration, the term "Secretary" means the Administrator of such Administration, and in the case of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, the term "Secretary" means the board of directors of the appropriate corporation.

(3) The terms "renegotiate" and "renegotiation" include a determination by agreement or order under this section of the amount of any excessive profits.

(4) (A) The term "excessive profits" means the portion of the profits derived from contracts with the Departments and subcontracts which is determined in accordance with this section to be excesive. In determining excessive profits there shall be taken into consideration the following factors:

(i) efficiency of contractor, with particular regard to attainment of quantity and quality production, reduction of costs and economy in the use of materials, facilities, and manpower;

(ii) reasonableness of costs and profits, with particular regard to volume of production, normal prewar earnings, and comparison of war and peacetime products;

(iii) amount and source of public and private capital employed and net worth;

(iv) extent of risk assumed, including the risk incident to reasonable pricing policies;

(v) nature and extent of contribution to the war effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance;

(vi) character of business, including complexity of manufacturing technique, character and extent of subcontracting, and rate of turnover;

(vii) such other factors the consideration of which the public interest and fair and equitable dealing may require, which factors shall be published in the regulations of the Board from time to time as adopted.

(B) The term "profits derived from contracts with the Departments and subcontracts" means the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto. Such costs shall be determined in accordance with the method of cost accounting regularly employed by the contractor in keeping his books, but if no such method of cost accounting has been employed, or if the method so employed does not, in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States properly reflect such costs, such costs shall be determined in accordance with such method as in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States does properly reflect such costs. Irrespective of the method employed or prescribed for determining such costs, no item of cost shall be charged to any contract with a Department or subcontract or used in any manner for the purpose of determining such cost, to the extent that in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States, such item is unreasonable or

not properly chargeable to such contract or subcontract. Notwithstanding any other provisions of this section, all items estimated to be allowable as deductions and exclusions under Chapters 1 and 2E of the Internal Revenue Code [I.R.C. 1939] (excluding taxes measured by income) shall, to the extent allocable to such contracts and subcontracts (or, in the case of the recomputation of the amortization deduction, allocable to contracts with the Departments and subcontracts), be allowed as items of cost, but in determining the amount of excessive profits to be eliminated proper adjustment shall be made on account of the taxes so excluded, other than Federal taxes, which are attributable to the portion of the profits which are not excessive.

(C) Notwithstanding any of the provisions of this section to the contrary, no amount shall be allowed as an item of cost (i) by reason of a recomputation of the amortization deduction pursuant to section 124(d) of the Internal Revenue Code [I.R.C. 1939] until after such recomputation has been made in connection with a determination of the taxes imposed by Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code [I.R.C. 1939] for the fiscal year to which the excessive profits determined by the renegotiation are attributable or (ii) by reason of the application of a carry-over or carryback under any circumstances. The absence of such a recomputation of the amortization deductions referred to in clause (i) above shall not constitute a cause for postponing the making of an agreement, or the entry of an order, determining the amount of excessive profits, or for staying the elimination thereof.

(D) Notwithstanding any of the provisions of subsection (c)(4) of this section to the contrary, in the case of a renegotiation which is made prior to such recomputation, there shall be repaid by the United States (without interest) to the contractor or subcontractor after such recomputation the amount of a net renegotiation rebate computed in the following described manner. There shall first be ascertained the portion of the excessive profits determined by the renegotiation which is attributable to the fiscal year with respect to which a net renegotiation rebate is claimed by the contractor or subcontractor (hereinafter referred to as "renegotiated year"). There shall then be ascertained the amount of the gross renegotiation rebate for the renegotiated year, which amount shall be an allocable part of the additional amortization deduction which is allowed for the renegotiated year upon the recomputation made pursuant to section 124(d) of the Internal Revenue Code [I.R.C. 1939] in connection with the determination of the taxes for such year and which is attributable to contracts with the Departments and subcontracts, except that the amount of the gross renegotiation rebate shall not exceed the amount of excessive profits eliminated for the renegotiated year pursuant to the renegotiation. The allocation of the additional amortization deduction attributable to contracts with the Departments and subcontracts, and the allocation of the additional amortization deduction to the renegotiated year shall be determined in accordance with regulations prescribed by the Board. There shall then be ascertained the amount of the contractor's or subcontractor's Federal tax benefit from the renegotiation for the renegotiated year. Such Federal tax benefit shall be the amount by which the taxes for the renegotiated year under Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code [I.R.C. 1939] were decreased by reason of omitting from gross income (or by reason of the application of the provisions of section 3806(a) of the Internal Revenue Code [I.R.C. 1939] with respect to) that portion of the excessive profits for the renegotiated year which is equal to the amount of the gross renegotiation rebate. The amount by which the gross renegotiation rebate for the renegotiated year exceeds the amount of the contractor's or subcontractor's Federal tax benefit from the renegotiation for such year shall be the amount of the net renegotiation rebate for such year. A net renegotiation rebate shall not be repaid unless a claim therefor has been filed with the Board on or before the date of its abolition, or unless a claim shall have been filed with the Administrator of General Services (i) on or before December 31, 1952, or (ii) within ninety days after the making of an agreement or the entry of an order under subsection (c) (1) [of this section] determining the amount of excessive profits, whichever is later. A claim shall be deemed to have been filed when received by the Board or the Administrator, whether or not accompanied by a statement of the Commissioner of Internal Revenue showing the amortization deduction allowed for the renegotiated year upon the recomputation made pursuant to section 124(d) of the Internal Revenue Code [I.R.C. 1939].

(5) The term "subcontract" means—

(A) Any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of any other contract or subcontract, but such term does not include any purchase order or agreement to furnish office supplies; or

(B) Any contract or arrangement other than a contract or arrangement between two contracting parties, one of which parties is found by the Board to be a bona fide executive officer, partner, or full-time employees of the other contracting party, (i) any amount payable under which is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts, or determined with reference to the amount of such a contract or subcontract or such contracts or subcontracts, or (ii) under which any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts: *Provided*, That nothing in this sentence shall be construed (1) to affect in any way the validity or construction of provisions in any contract with a Department or any subcontract, heretofore at any time or hereafter made, prohibiting the payment of contingent fees or commissions; or (2) to restrict

in any way the authority of the Secretary or the Board to determine the nature or amount of selling expenses under subcontracts as defined in this subparagraph, as a proper element of the contract price or as a reimbursable item of cost, under a contract with a Department or a subcontract.

(6) The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

(7) The term "standard commercial article" means an article—

(A) which is identical in every material respect with an article which was manufactured and sold, and in general civilian, industrial, or commercial use prior to January 1, 1940,

(B) which is identical in every material respect with an article which is manufactured and sold, as a competitive product, by more than one manufacturer, or which is an article of the same kind and having the same use or uses as an article manufactured and sold, as a competitive product, by more than one manufacturer, and

(C) for which a maximum price has been established and is in effect under the Emergency Price Control Act of 1942, as amended, or under the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", or which is sold at a price not in excess of the January 1, 1941, selling price.

An article made in whole or in part of subsitute materials but otherwise identical in every material respect with the article with which it is compared under subparagraphs (A) and (B) shall be considered as identical in every respect with such article with which it is so compared.

(8) The term "fiscal year" means the taxable year of the contractor or subcontractor under Chapter 1 of the Internal Revenue Code [I.R.C. 1939].

(9) The terms "received or accrued" and "paid or incurred" shall be construed according to the method of accounting employed by the contractor or subcontractor in keeping his books.

(b) Provisions required to be inserted in contracts in excess of $100,000.

Subject to subsection (i) of this section, the Secretary of each Department is authorized and directed to insert in each contract made by such Department thirty days or more after the date of the enactment of the Revenue Act of 1943 and involving an estimated amount of more than $100,000, a provision under which the contractor agrees—

(1) to the elimination of excessive profits through renegotiation;

(2) that there may be retained by the United States from amounts otherwise due the contractor, or that he will repay to the United States, if paid to him, any excessive profits;

(3) that he will insert in each subcontract described in subsection (a)(5)(A) [of this section] involving an estimated amount of more than $100,000, and in each subcontract described in subsection (a)(5)(B) [of this section] involving an estimated amount of more than $25,000, a provision under which the subcontractor agrees—

(A) to the elimination of excessive profits through renegotiation;

(B) that there may be retained by the contractor for the United States from amounts otherwise due the subcontractor, or that the subcontractor will repay to the United States, if paid to him, any excessive profits;

(C) that the contractor shall be relieved of all liability to the subcontractor on account of any amount so retained, or so repaid by the subcontractor to the United States;

(D) that he will insert in each subcontract described in subsection (a)(5)(A) [of this section] involving an estimated amount of more than $100,000, and in each subcontract described in subsection (a)(5)(B) [of this section] involving an estimated amount of more than $25,000, provisions corresponding to those of subparagraphs (A), (B), and (C) and to those of this subparagraph;

(4) that there may be retained by the United States from amounts otherwise due the contractor, or that he will repay to the United States, as the Secretary may direct, any amounts which under paragraph (3)(B) of this subsection the contractor is directed to withhold from a subcontractor and which are actually unpaid at the time the contractor receives such direction.

The obligations assumed by the contractor or subcontractor under paragraph (1) or (3) (A) of this subsection, as the case may be, agreeing to the elimination of excessive profits through renegotiation shall be binding on him only if the contract or subcontract, as the case may be, is subject to subsection (c) of this section. A provision inserted in a contract or subcontract, which recites in substance that the contract or subcontract shall be deemed to contain all the provisions required by this subsection shall be sufficient compliance with this subsection. Whether or not there is inserted in a contract with a Department or subcontract, to which subsection (c) of this section is applicable, the provisions specified in this subsection, such contract or subcontract, as the case may be, shall be considered as having been made subject to such subsection in the same manner and to the same extent as if such provisions had been inserted.

(c) Renegotiation of contract price on determination of excess profits; notice of renegotiation; conclusiveness of Board's order; withholding of amounts due contractors; actions by United States; limitations; agreements with contractors; filing of financial statements; powers of Board; Bureau of Internal Revenue services available; contracts included.

(1) Whenever, in the opinion of the Board, the amounts received or accrued under contracts with the Departments and subcontracts may reflect excessive profits, the Board shall give to the contractor or subcontractor, as the case may be, reasonable notice of the time and place of a conference to be held with respect thereto. The mailing of such notice by registered mail to the contractor or subcontractor shall constitute the commencement of the renegotiation proceeding. At the conference, which may be adjourned from time to time, the Board shall

endeavor to make a final or other agreement with the contractor or subcontractor with respect to the elimination of excessive profits received or accrued, and with respect to such other matters relating thereto as the Board deems advisable. Any such agreement, if made, may, with the consent of the contractor or subcontractor, also include provisions with respect to the elimination of excessive profits likely to be received or accrued. If the Board does not make an agreement with respect to the elimination of excessive profits received or accrued, it shall issue and enter an order determining the amount, if any, of such excessive profits, and forthwith give notice thereof by registered mail to the contractor or subcontractor. In the absence of the filing of a petition with The Tax Court of the United States under the provisions of and within the time limit prescribed in subsection (e) (1) of this section, such order shall be final and conclusive and shall not be subject to review or redetermination by any court or other agency. The Board shall exercise its powers with respect to the aggregate of the amounts received or accrued during the fiscal year (or such other period as may be fixed by mutual agreement) by a contractor or subcontractor under contracts with the Departments and subcontracts, and not separately with respect to amounts received or accrued under separate contracts with the Departments or subcontracts, except that the Board may exercise such powers separately with respect to amounts received or accrued by the contractor or subcontractor under any one or more separate contracts with the Departments or subcontracts at the request of the contractor or subcontractor. Whenever the Board makes a determination with respect to the amount of excessive profits, whether such determination is made by order or is embodied in an agreement with the contractor or subcontractor, it shall, at the request of the contractor or subcontractor, as the case may be, prepare and furnish such contractor or subcontractor with a statement of such determination, of the facts used as a basis therefor, and of its reasons for such determination. Such statement shall not be used in The Tax Court of the United States as proof of the facts or conclusions stated therein.

(2) Upon the making of an agreement, or the entry of an order, under paragraph (1) of this subsection by the Board, or the entry of an order under subsection (e) of this section by The Tax Court of the United States, determining excessive profits, the Board shall forthwith authorize and direct the Secretaries or any of them to eliminate such excessive profits (A) by reductions in the amounts otherwise payable to the contractor under contracts with the Departments, or by other revision of their terms; or (B) by withholding from amounts otherwise due to the contractor any amount of such excessive profits; or (C) by directing a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor; or (D) by recovery from the contractor, through repayment, credit, or suit any amount of such excessive profits actually paid to him; or (E) by any combination of these methods, as is deemed desirable. Actions on behalf of the United States may be brought in the appropriate courts of the United States to recover from the contractor any amount of such excessive profits actually paid to him and not withheld or eliminated by some other method under this subsection. The surety under a contract or subcontract shall not be liable for the repayment of any excessive profits thereon. Each contractor and subcontractor is indemnified by the United States against all claims by any subcontractor on account of amounts withheld from such subcontractor pursuant to this paragraph. All money recovered in respect of amounts paid to the contractor from appropriations from the Treasury by way of repayment or suit under this subsection shall be covered into the Treasurv as miscellaneous receipts. Upon the withholding of any amount of excessive profits or the crediting of any amount of excessive profits against amounts otherwise due a contractor, the Secretary shall certify the amount thereof to the Treasury and the appropriations of his Department shall be reduced by an amount equal to the amount so withheld or credited. The amount of such reductions shall be transferred to the surplus fund of the Treasury. In eliminating excessive profits the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code [I.R.C. 1939]. For the purposes of this paragraph the term "contractor" includes a subcontractor.

(3) No proceeding to determine the amount of excessive profits shall be commenced more than one year after the close of the fiscal year in which such excessive profits were received or accrued, or more than one year after the statement required under paragraph (5) of this subsection is filed with the Board, whichever is the later, and if such proceeding is not so commenced, then upon the expiration of one year following the close of such fiscal year, or one year following the date upon which such statement is so filed, whichever is the later, all liabilities of the contractor or subcontractor for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits is not made within one year following the commencement of the renegotiation proceeding, then upon the expiration of such one year all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (A) if an order is made within such one year by the Secretary (or an officer or agency designated by the Secretary) pursuant to a delegation of authority under subsection (d) (4) of this section such one-year limitation shall not apply to review of such order by the Board, and (B) such one-year period may be extended by mutual agreement.

(4) For the purposes of this section the Board may make final or other agreements with a contractor or subcontractor for the elimination of excessive profits and for the discharge of any liability for excessive profits under this section. Such agreements may contain such terms and conditions as the Board deems advisable. Any such agreement shall be conclusive according to its terms; and except upon a

showing of fraud or malfeasance or a willful misrepresentation of a material fact, (A) such agreement shall not for the purposes of this section be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States, and (B) such agreement and any determination made in accordance therewith shall not be annulled, modified, set aside, or disregarded in any suit, action, or proceeding.

(5) (A) Every contractor and subcontractor who holds contracts or subcontracts, to which the provisions of this subsection are applicable, shall, in such form and detail as the Board may by regulations prescribe, file with the Board on or before the first day of the fourth month following the close of the fiscal year (or if such fiscal year has closed on the date of the enactment of the Revenue Act of 1943, [Feb. 25, 1944], on or before the first day of the fourth month following the month in which such date of enactment falls), a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this section. In addition to the statement required under the preceding sentence, every such contractor or subcontractor shall, at such time or times and in such form and detail as the Board may by regulations prescribe, furnish the Board any information, records, or data which is determined by the Board to be necessary to carry out this section. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of them under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than two years, or both.

(B) For the purposes of this section the Board shall have the same powers with respect to any such contractor or subcontractor that any agency designated by the President to exercise the powers conferred by Title XIII of the Second War Powers Act, 1942 [sections 643—643c of this Appendix], has with respect to any contractor to whom such title [sections 643—643c of this Appendix], is applicable. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon request of the Board and the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this section.

(6) This subsection shall be applicable to all contracts and subcontracts, to the extent of amounts received or accrued thereunder in any fiscal year ending after June 30, 1943, whether such contracts or subcontracts were made on, prior to, or after the date of the enactment of the Revenue Act of 1943, and whether or not such contracts or subcontracts contain the provisions required under subsection (b) [of this section], unless (A) the contract or subcontract provides otherwise pursuant to subsection (i), or is exempted under subsection (i), or (B) the aggregate of the amounts received or accrued in such fiscal year by the contractor or subcontractor and all persons under the control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts (including those described in clause (A), but excluding subcontracts described in subsection (a) (5) (B)) [of this section] do not exceed $500,000 and under subcontracts described in subsection (a) (5) (B) [of this section] do not exceed $25,000 for such fiscal year. If such fiscal year is a fractional part of twelve months, the $500,000 amount and the $25,000 amount shall be reduced to the same fractional part thereof for the purposes of this paragraph.

(d) Abolished.

(e) Petition for redetermination; limitation; jurisdiction of the Tax Court; powers and duties of court; payment of fees and expenses; finality of determination.

(1) Any contractor or subcontractor aggrieved by an order of the Board determining the amount of excessive profits received or accrued by such contractor or subcontractor may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing of the notice of such order under subsection (c) (1) of this section, file a petition with The Tax Court of the United States for a redetermination thereof. Upon such filing such court shall have exclusive jurisdiction, by order, to finally determine the amount, if any, of such excessive profits received or accrued by the contractor or subcontractor, and such determination shall not be reviewed or redetermined by any court or agency. The court may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the Board. A proceeding before The Tax Court to finally determine the amount, if any, of excessive profits shall not be treated as a proceeding to review the determination of the Board, but shall be treated as a proceeding de novo. For the purposes of this subsection the court shall have the same powers and duties, insofar as applicable, in respect of the contractor, the subcontractor, the Board and the Secretary, and in respect of the attendance of witnesses and the production of papers, notice of hearings, hearings before divisions, review by The Tax Court of decisions of divisions, stenographic reporting, and reports of proceedings, as such court has under sections 1110, 1111, 1113, 1114, 1115 (a), 1116, 1117 (a), 1118, 1120, and 1121 of the Internal Revenue Code [I.R.C. 1939] in the case of a proceeding to redetermine a deficiency. In the case of any witness for the Board or Secretary, the fees and mileage, and the expenses of taking any deposition shall be paid out of appropriations of the Board or Department available for that purpose, and in the case of any other witnesses, shall be paid, subject to rules prescribed by the court, by the party at whose instance the witness appears or the deposition is taken. The filing of a petition under this subsection shall not operate to stay the execution of the order of the Board under subsection (c) (2) of this section.

(2) Any contractor or subcontractor (excluding a subcontractor described in subsection (a) (5) (B)) of this section aggrieved by a determination of the Secretary made prior to the date of the enactment of the Revenue Act of 1943, with respect to a fiscal

year ending before July 1, 1943, as to the existence of excessive profits, which is not embodied in an agreement with the contractor or subcontractor, may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], file a petition with The Tax Court of the United States for a redetermination thereof, and any such contractor or subcontractor aggrieved by a determination of the Secretary made on or after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], with respect to any such fiscal year, as to the existence of excessive profits, which is not embodied in an agreement with the contractor or subcontractor, may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the date of such determination, file a petition with The Tax Court of the United States for a redetermination thereof. Upon such filing such court shall have the same jurisdiction, powers, and duties, and the proceeding shall be subject to the same provisions, as in the case of a petition filed with the court under paragraph (1), except that the amendments made to this section by the Revenue Act of 1943 which are not made applicable as of April 28, 1942, or to fiscal years ending before July 1, 1943, shall not apply.

(f) Repricing of war contracts.

For repricing of war contracts, see Title VIII of the Revenue Act of 1943 [section 1192 and note thereunder of this Appendix].

(g) Separability of section.

If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

(h) Profits affected; termination date.

This section shall apply only with respect to profits derived from contracts with the Departments and subcontracts which are determined under regulations prescribed by the Board to be reasonably allocable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor in keeping his books, profits determined to be so allocable shall be considered as having been received or accrued not later than the termination date. For the purposes of this subsection, the term "termination date" means whichever of the following dates first occurs—

(1) December 31, 1945; or

(2) the date proclaimed by the President as the date of the termination of hostilities in the present war; or

(3) the date specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war.

(i) Contracts exempted: Board's interpretation and application of exemptions.

(1) The provisions of this section shall not apply to—

(A) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof or with any foreign government or any agency thereof; or

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(C) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(i) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugar cane, and sugar beets;

(ii) natural resins, saps and gums of trees;

(iii) animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream; or

(D) any contract or subcontract with an organization exempt from taxation under section 101(6) of the Internal Revenue Code [I.R.C. 1939]; or

(E) any contract with a Department, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility; or

(F) any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

(2) The Board is authorized by regulation to interpret and apply the exemptions provided for in paragraph (1) (A), (B), (C), (E), and (F) of this subsection, and interpret and apply the definition contained in subsection (a) (7) of this section.

(3) In the case of a contractor or subcontractor who produces or acquires the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, and processes, refines, or treats such a product to and beyond the first form or state suitable for industrial use, or who produces or acquires an agricultural product and processes, refines, or treats such a product to and beyond the first form or state in which it is customarily sold or in which it has an established market, the Board shall prescribe such regulations as may be necessary to give such contractor or subcontractor a cost allowance substantially equivalent to the amount which would have been realized by such contractor or subcontractor if he had sold such product at such first form or state. Notwithstanding any other provisions of this section there shall be excluded from consideration in determining whether or not a contractor or subcontractor has received or accrued excessive profits that portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory. For the purposes of this paragraph the term "excess inventory" means inventory of products, hereinbefore described in this

paragraph, acquired by the contractor or subcontractor in the form or at the state in which contracts for such products on hand or on contract would be exempted from this section by subsection (i) (1) (B) or (C) of this section, which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders. That portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory, and the method of excluding such portion of profits from consideration in determining whether or not the contractor or subcontractor has received or accrued excessive profits, shall be determined in accordance with regulations prescribed by the Board. In the case of a renegotiation with respect to a fiscal year ending prior to July 1, 1943, the portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory shall (to the extent such portion does not exceed the excessive profits determined) be credited or refunded to the contractor or subcontractor, and in case the determination of excessive profits was made prior to the date of the enactment of the Revenue Act of 1943, such credit or refund shall be made notwithstanding such determination is embodied in an agreement with the contractor or subcontractor, but in either case such credit or refund shall be made only if the contractor or subcontractor, within ninety days after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], files a claim therefor with the Secretary concerned.

(4) The Board is authorized, in its discretion, to exempt from some or all of the provisions of this section—

(A) any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

(B) any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days;

(C) any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits;

(D) any contract or subcontract for the making or furnishing of a standard commercial article, if, in the opinion of the Board, competitive conditions affecting the sale of such article are such as will reasonably protect the Government against excessive prices;

(E) any contract or subcontract, if, in the opinion of the Board, competitive conditions affecting the making of such contract or subcontract are such as are likely to result in effective competition with respect to the contract or subcontract price; and

(F) any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

The Board may so exempt contracts and subcontracts both individually and by general classes or types.

(j) Persons authorized to prosecute claims against United States.

Nothing in sections 109 and 113 of the Criminal Code or in section 190 of the Revised Statutes (U. S. C., Title 5, sec. 99) shall be deemed to prevent any person by reason of service in a department or the Board during the period (or a part thereof) beginning May 27, 1940, and ending on June 30, 1950, from acting as counsel, agent, or attorney for prosecuting any claim against the United States: *Provided,* That such person shall not prosecute any claim against the United States (1) involving any subject matter directly connected with which such person was so employed, or (2) during the period such person is engaged in employment in a department.

(k) Limitation on authority of Secretaries of Departments.

Nothing in this section shall be construed to limit or restrict any authority or discretion of the Secretary of a Department under the provisions of any other law.

(*l*) Short title.

This section may be cited as the "Renegotiation Act". (Apr. 28, 1942, ch. 247, title IV, § 403, 56 Stat. 245; Oct. 21, 1942, ch. 619, title VIII, § 801 (a—c), 56 Stat. 982; July 1, 1943, ch. 185, § 1, 57 Stat. 347; July 14, 1943, ch. 239, §§ 1—4, 57 Stat. 564; Feb. 25, 1944, ch. 63, title VII, § 701 (b), 58 Stat. 78; June 30, 1945, ch. 210, § 1, 59 Stat. 294; June 14, 1947, ch. 105, 61 Stat. 133; June 28, 1949, ch. 268, § 2 (a), 63 Stat. 280; Mar. 23, 1951, ch. 15, title II, § 201 (a—d), 65 Stat. 23; Oct. 20, 1951, ch. 521, title VI, § 617, 65 Stat. 569; July 17, 1952, ch. 924, § 2, 66 Stat. 753.)

REFERENCES IN TEXT

Chapter 2E of the Internal Revenue Code [I.R.C. 1939], referred to in subsec. (a) (4) (B—D), relating to excess profits tax, was repealed as follows: sections 741 and 752 by act Oct. 21, 1942, 4:30 p.m., E.W.T., ch. 619, title II, §§ 224(b), 228(b), 229(a) (1), 56 Stat. 920, 925, 931; sections 710—736, 740, 742—744, 750, 751, 760, 761 and 780—784 by act Nov. 8, 1945, ch. 453, title I, § 122(a), 59 Stat. 568.

Chapter 2B of the Internal Revenue Code [I.R.C. 1939], referred to in subsec. (a) (4) (C, D), relating to declared value excess-profits tax, was repealed by act Nov. 8, 1945, ch. 453, title II, § 202, 59 Stat. 574.

Emergency Price Control Act of 1942, as amended, referred to in subsec. (a) (7) (C) and formerly classified to sections 901—906, 921, 922, 923, 925, 926, and 941—946 of this Appendix terminated June 30, 1947 under the provisions of act July 25, 1946, ch. 671, § 1, 60 Stat. 664.

Act of October 2, 1942, referred to in subsec. (a) (7) (C) and formerly classified to sections 961—964 and 965—971 of this Appendix and as an amendment and note under section 713a-8 of Title 15, has expired. See Termination Date notes preceding sections 961—971 of this Appendix

and under section 713a-8 of Title 15, Commerce and Trade.

Amendments made to this section by the Revenue Act of 1943, referred to in subsec. (e)(2), has reference to amendments made by act Feb. 25, 1944.

Sections 109 and 113 of the Criminal Code, referred to in subsec. (j), were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 863, eff. Sept. 1, 1948. Similar provisions are now covered by sections 281 and 283 of Title 18, Crimes and Criminal Procedure.

Section 190 of the Revised Statutes (U.S.C., Title 5, sec. 99), referred to in subsec. (j), was repealed by Pub. L. 87-849, § 3, Oct. 23, 1962, 76 Stat. 1126. For similar provisions, see section 207 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1952—Subsec. (a) (4) (D). Act July 17, 1952, extended the filing date for claims from Oct. 31, 1952 to Dec. 31, 1952.

1951—Subsec. (a) (4) (D). Act Oct. 20, 1951, in clause (i) of eighth sentence, extended the time for filing claims for net renegotiation rebates from June 30, 1951 to October 31, 1951. Act Mar. 23, 1951, § 201 (c) added last two sentences.

1949—Subsec. (j). Act June 28, 1949, substituted "June 30, 1950" for "June 30, 1949".

1947—Subsec. (j). Act June 14, 1947, extended the grace period from "six months after termination of hostilities" to "June 30, 1949."

1945—Subsec. (h). Act June 30, 1945, amended subsec. generally and substituted "December 31, 1945" for "December 31, 1944" as termination date.

1944—Act Feb. 25, 1944, amended section generally.

1943—Subsec. (a) (1), (2). Act July 1, 1943, redefined "Department" and "Maritime Commission".

Subsec. (a) (5). Act July 14, 1943, § 1, redefined "subcontract".

Subsec. (b) (3). Act July 14, 1943, § 2, substituted "in each subcontract described in subsection (a) (5) (ii), and in each subcontract for an amount in excess of $100,000 described in subsection (a) (5) (i)" for "in each subcontract for an amount in excess of $100,000".

Subsec. (b) (6). Act. July 14, 1943, § 3, amended subsec. (b)(6) generally.

Subsec. (e). Act July 14, 1943, § 4, struck out "in an aggregate amount in excess of $100,000."

Subsec. (k). Act July 1, 1943, added subsec. (k).

1942—Subsecs. (a)—(c), and (f). Act Oct. 21, 1942, § 801 (a), (b); amended subsecs. generally.

Subsecs. (i) and (j). Act Oct. 21, 1942, § 801 (c), added subsecs. (i) and (j).

CHANGE OF NAME

The name of the Tax Court of the United States, referred to in text, was changed to the United States Tax Court by Pub. L. 91-172, title IX, § 951 et seq., Dec. 30, 1969, 83 Stat. 730, which changed the status of that Court to a constitutional court of record.

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150-29, eff. July 9, 1953.

EFFECTIVE DATE OF 1944 AMENDMENT

Amendment of section by act Feb. 25, 1944, § 701 (b), was made effective by section 701 (d) thereof, which provided as follows: "The amendments made by subsection (b) shall be effective only with respect to the fiscal years ending after June 30, 1943, except that (1) the amendments inserting subsections (a) (4) (C), (a) (4) (D), (i) (1) (C), (i) (1) (D), (i) (1) (F), (i) (3), and (*l*) in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 [this section], shall be effective as if such amendments and subsections had been a part of section 403 of such Act [this section] on the date of its enactment, and (2) the amendments adding subsections (d) and (e) (2) to section 403 of such Act [this section] shall be effective from the date of the enactment of this Act [this section]."

EFFECTIVE DATE OF 1943 AMENDMENT

Section 5 of act July 14, 1943, provided that the amendments made by that act, affecting subsecs. (a) (5), (b) (3), (c) (6), and (e), shall be effective as of Apr. 28, 1942.

EFFECTIVE DATE OF 1942 AMENDMENT

Act Oct. 21, 1942, affecting subsecs. (a—c), (f), (i) and (j) of this section, was made effective as of Apr. 28, 1942, by section 801 (d) thereof.

TERMINATION DATE

Proc. No. 2631, Nov. 16, 1944, 9 F. R. 13739, specified June 30, 1945, as the termination date within the meaning of former provisions of subsec. (h) of this section. It was superseded by the amendment of June 30, 1945.

ABOLISHMENT OF AGENCIES AND TRANSFER OF FUNCTIONS

Section 201 (a) of act Mar. 23, 1951 abolished the War Contracts Price Adjustment Board, which was created by former subsection (d) of this section. Section 201 (b) of act Mar. 23, 1951 provided that all powers, functions and duties conferred on the Board, except those transferred to the Administrator of General Services, were transferred to the Renegotiation Board created by section 1217 of this Appendix. Section 201(d) of act Mar. 23, 1951 provided that all powers, duties and functions conferred upon the Board by subsection (a)(4)(D) of this section were transferred to the Administrator of General Services. Section 201 (j) of act Mar. 23, 1951 affected subsection (a), pars. (1) and (2) of this section by providing that where a renegotiation function has been transferred by or pursuant to law the terms "Secretary" or "Secretaries" and "Department" or "Departments" shall be understood to refer to the successors in function to those officers or officers specifically named in this section. Section 201 of act Mar. 23, 1951, is set out as section 1231 of this Appendix. It also contains provisions relating to transfer of records, refunds under subsections (a)(4)(D) and (i)(3) of this section and the continuation of this section and existing policies and procedures.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Bureau of Internal Revenue, referred to in this section, is an agency in the Treasury Department.

The United States Maritime Commission was abolished by 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, which transferred part of its functions and part of the functions of its Chairman to the Federal Maritime Board and the Chairman thereof, that Board having been created by that Plan as an agency within the Department of Commerce with an independent status in some respects, and transferred the remainder of that Commission's functions and the functions of its Chairman to the Secretary of Commerce, with power vested in the Secretary to authorize their performance by the Maritime Administrator, the head of the Maritime Administration, which likewise was established by the Plan in the Department of Commerce with the provision that the chairman of the Federal Maritime Board should, ex officio, be that Administrator. The Federal Maritime Board, in turn, was abolished by 1961 Reorg. Plan. No. 7, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, which created the Federal Maritime Commission and transferred to it and to the Secretary of Commerce the functions previously performed by the Federal Maritime Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the

Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949 14 F.R. 5228, 63 Stat. 1069.

The War Shipping Administration was terminated as of Sept. 1, 1946, and all functions, powers, etc. transferred to the United States Maritime Commission for purpose of liquidation by Dec. 31, 1946, under authority of act July 8, 1946, ch. 543, § 202, 60 Stat. 501, set out as a note under section 1291 of this Appendix.

The Defense Plant Corporation, the Metals Reserve Company, the Defense Supplies Corporation, and the Rubber Reserve Company were dissolved and their functions transferred to the Reconstruction Finance Corporation by Senate Joint Res., June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, set out as a note under section 611 of Title 15, Commerce and Trade. Thereafter the Reconstruction Finance Corporation was abolished by 1957 Reorg. Plan No. 1, set out in the Appendix to Title 5, Government Organization and Employees.

The War Production Board was terminated and all functions, powers, etc. transferred to the Civilian Production Administration, eff. Nov. 3, 1945, by Ex. Ord. No. 9638, Oct. 4, 1945, 10 F. R. 12591. Thereafter the Civilian Production Administration was consolidated, with other war agencies, into the Office of Temporary Controls by Ex. Ord. No. 9809, set out as a note under section 601 of this Appendix.

DEPARTMENT OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force and Department of the Air Force from the Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

TERMINATION OF HOSTILITIES

The cessation of hostilities of World War II was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, set out as note under section 601 of this Appendix.

TERMS USED

Section 701 (a) of act Feb. 25, 1944, provided as follows: "Terms used in this section [section 701 of Act Feb. 25, 1944] shall have the same meaning as when used in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 [this section]."

WAR DEPARTMENT NOTICE

May 21, 1943, 8 F. R. 7404

EXEMPTION FROM RENEGOTIATION OF CONTRACTS

Authority for exemption from renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 801 of the Revenue Act of 1942 (section 1191 of this Appendix).

Pursuant to subsection 403 (i) (2) (iii) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended (section 1191 of this Appendix), and the delegation to me from the Secretary of War, dated November 4, 1942, the chief of any technical service and the Commanding General, Army Air Forces, are hereby authorized:

(1) To exempt from renegotiation under section 403, as amended (section 1191 of this Appendix), any contract, letter contract, letter purchase order, letter order, or letter of intent, which has been terminated for the convenience of the Government, and any agreement making a negotiated settlement of the whole or any part of the amount due from the Government by reason of the termination of any such instrument, whenever he finds that the provisions of such settlement agreement are adequate to prevent the realization of excessive profits from the performance of any such instrument; and

(2) To delegate to any officer or civilian employee under his direction the authority and discretion to make such exemptions in accordance with paragraph 1 and under such conditions as he may prescribe.

CROSS REFERENCES

Excess profits reduction as precluding allowance of claims for war contract losses, see note under section 106 of Title 41, Public Contracts.

Renegotiation Act of 1948, see section 1193 of this Appendix.

Renegotiation Act of 1951, see section 1211 et seq. of this Appendix.

Termination and settlement of war contracts, see sections 101—125 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1192 of this Appendix; title 41 section 106.

ACT FEB. 25, 1944, CH. 63, TITLE VIII, § 801, 58 STAT. 92

§ 1192. Repricing of war contracts.

CODIFICATION

Section, act Feb. 25, 1944, ch. 63, title VIII, § 801, 58 Stat. 92, relating to repricing of war contracts, terminated on Dec. 31, 1945 under the provisions of section 802 (b) of act Feb. 25, 1944.

ACT MAY 21, 1948, CH. 333, § 3, 62 STAT. 259

§ 1193. Renegotiation of airplane contracts.

(a) Renegotiation article.

All contracts in excess of $1,000 entered into under the authority of this Act [this section], obligating funds appropriated hereby, obligating funds consolidated by this Act [this section] with funds appropriated, or entered into through contract authorizations herein granted, and all subcontracts thereunder in excess of $1,000 shall contain the following article:

"RENEGOTIATION ARTICLE.—This contract is subject to the Renegotiation Act of 1948 [this section] and the contractor hereby agrees to insert a like article in all contracts or purchase orders to make or furnish any article or to perform all or any part of the work required for the performance of this contract."

(b) Powers and duties of Secretary of Defense; elimination of excess profits; agreements; tax credits.

Whenever in the opinion of the Secretary of Defense excessive profits are reflected under any contract or contracts or subcontract or subcontracts required to contain the Renegotiation Article prescribed in subsection (a) of this section, the Secretary is authorized and directed to renegotiate such contracts and subcontracts for the purpose of eliminating excessive profits. He shall endeavor to make an agreement with the contractor or subcontractor with respect to the amount, if any, of such excessive profits and to their elimination. If no such agreement is reached, the Secretary shall issue an order determining the amount, if any, of such excessive profits and shall eliminate them by any of the methods set forth in subsection (c) (2) of the Renegotiation Act of February 25, 1944, as amended [section 1191 (c) (2) of this Appendix]. In eliminating excessive profits the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code [I.R.C. 1939]. The powers conferred upon the Secretary shall be exercised with respect to the aggregate of the amounts received or accrued under all such contracts and subcontracts by the contractor or subcontractor during his fiscal year or upon such other basis as may be mutually agreed upon; except that this section shall not be applicable in the event that the aggregate of the amounts so received or accrued is less than $100,000 during any fiscal year.

(c) Audit of books and records of contractors or subcontractors; use of services of Bureau of Internal Revenue.

For the purpose of administering this section the Secretary of Defense shall have the right to audit the books and records of any contractor or subcontractor subject to this section. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon request of the Secretary of Defense and with the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this section.

(d) Contracts excepted.

The provisions of this section shall not apply to any of the contracts or subcontracts specified in subsection (i) (1) of the Renegotiation Act of February 25, 1944, as amended [section 1191 (i) (1) of this Appendix], and the Secretary of Defense in his discretion may exempt from the provisions of this section any other contract or subcontract both individually and by general classes or types.

(e) Conclusiveness of agreements or orders; fraud or malfeasance; redetermination by Tax Court.

Agreements or orders determining excessive profits shall be final and conclusive in accordance with their terms and except upon a showing of fraud or malfeasance or willful misrepresentation of a material fact shall not be annulled, modified, reopened, or disregarded, except that in the case of orders determining excessive profits the amount of the excessive profits, if any, may be redetermined by the Tax Court of the United States in the manner prescribed in subsection (e) (1) of the Renegotiation Act of February 25, 1944, as amended [section 1191 (a) (1) of this Appendix], except that such redetermination shall be subject to review to the extent and in the manner provided by subchapter B of chapter 5 of the Internal Revenue Code [I.R.C. 1939].

(f) Publication of regulations, standards and procedures.

The Secretary of Defense shall promulgate and publish in the Federal Register regulations interpreting and applying this section and prescribing standards and procedures for determining and eliminating excessive profits hereunder using so far as he deems practicable the principles and procedures of the Renegotiation Act of February 25, 1944, as amended [section 1191 of this Appendix], having regard for the different economic conditions existing on or after the effective date of this Act [May 21, 1948] from those prevailing during the period 1942 to 1945. In any case in which the contract price of any such contract or subcontract was based upon estimated costs, then the Secretary of Defense shall determine the difference between such estimated costs and actual costs and shall, in eliminating excessive profits, take into consideration as an element the extent to which such difference is the result of the efficiency of the contractor or subcontractor.

(g) Delegation of powers and duties of Secretary of Defense.

The powers and duties conferred upon the Secretary of Defense may be delegated by him to any officer (military or civilian) or agency of the Department of Defense.

(h) Penalties.

Any person who willfully fails or refuses to furnish any information, records, or data required of him under this section, or who knowingly furnishes any such information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than two years, or both.

(i) Short title.

This section may be cited as the "Renegotiation Act of 1948." (May 21, 1948, ch. 333, § 3, 62 Stat. 259; Aug. 10, 1949, ch. 412, § 12 (a), 63 Stat. 591.)

CHANGE OF NAME

The National Military Establishment was changed to the Department of Defense by act Aug. 10, 1949.

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150-29, eff. July 9, 1953.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Bureau of Internal Revenue, referred to in this section, is an agency in the Treasury Department.

DEPARTMENT OF DEFENSE PROCUREMENT CONTRACTS FOR FISCAL YEAR 1950 SUBJECT TO THIS SECTION

Section 622 (a) of act Oct. 29, 1949, ch. 787, 63 Stat. 1021, provided that: "All negotiated contracts for procurement in excess of $1,000 entered into during the fiscal year 1950 by or on behalf of the Department of Defense (including the Department of the Army, Department of the Navy, and Department of the Air Force), and all subcontracts thereunder in excess of $1,000, are hereby made subject to the Renegotiation Act of 1948 [this section] in the same manner and to the same extent as if such contracts and subcontracts were required by such Act [this section] to contain the renegotiation article prescribed in subsection (a) of such Act [this section]. Each contract and subcontract made subject to the Renegotiation Act of 1948 [this section] by this section shall contain an article stating that it is subject to the Renegotiation Act of 1948 [this section]. In determining whether the amounts received or accrued to a contractor or subcontractor during his fiscal year from contracts and subcontracts subject to the Renegotiation Act of 1948 [this section] amount in the aggregate to $100,000, receipts or accruals from contracts and subcontracts made subject to such Act [this section] by this section shall be added to receipts or accruals from all other contracts and subcontracts subject to such Act [this section]."

PROCUREMENT CONTRACTS OF DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE DURING FISCAL YEAR 1949

Section 401 of act June 25, 1948, ch. 658, title IV, 62 Stat. 1049, provided that: "The Secretary of Defense is authorized and directed, whenever in his judgment the best interests of the United States so require, to direct the insertion of a clause incorporating the Renegotiation Act of 1948 [this section] in any contracts for the procurement of ships, aircraft, aircraft parts, and the construction of facilities or installations outside continental United States entered into by or in behalf of the Department of the Army, the Department of the Navy or the Department of the Air Force which obligates any funds made available for obligation in the fiscal year 1949."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1212 of this Appendix.

ACT DEC. 17, 1942, CH. 739, 56 STAT. 1053

§ 1201. Acquisition and operation of buildings and facilities by Secretary of Navy.

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities in the procurement or construction of items authorized in connection with the prosecution of war or the maintenance of the national defense he is authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to provide for their operation, either by means of Government personnel or otherwise. (Dec. 17, 1942, ch. 739, § 1, 56 Stat. 1053, Aug. 7, 1946, ch. 770, § 1 (32), 60 Stat. 868; July 3, 1952, ch. 570, § 1 (a) (1), 66 Stat. 330.)

AMENDMENTS

1952—Joint Res. July 3, 1952, inserted "or the maintenance of the national defense" after "the prosecution of war".

1946—Act Aug. 7, 1946, repealed the proviso requiring reports to Congress, every three months, as to contracts entered into under this section.

EFFECTIVE DATE OF 1952 AMENDMENT

Section 7 of Joint Res. July 3, 1952, provided that the amendment of this section should take effect as of June 16, 1952.

EFFECTIVE DATE

Section 4 of act Dec. 17, 1942, provided as follows: "This Act shall be effective from June 30, 1942, and shall remain in force until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

SHORT TITLE OF 1952 AMENDMENT

Congress in enacting Joint Res. July 3, 1952, provided by section 8 thereof that it should be popularly known as the "Emergency Powers Continuation Act". For classification of Joint Res. July 3, 1952, see Tables Volume.

CONTINUATION OF PROVISIONS UNTIL AUGUST 1, 1953

Joint Res. June 30, 1953, ch. 172, 67 Stat. 132 and Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, amended Joint Res. July 3, 1952, ch. 570, 66 Stat. 332, to extend the time limitation on the effectiveness of the provisions of this section from April 1, 1953 to August 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Act Apr. 4, 1953, ch. 21, § 2, 67 Stat. 23, repealed Joint Res. July 3, 1952, ch. 570, § 1(a) (18) which continued the effectiveness of this section until Apr. 1, 1953. Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SEPARABILITY OF PROVISIONS

Section 5 of Joint Res. July 3, 1952, provided that: "If any provision of this joint resolution, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this joint resolution, or the application of such provision to other persons or circumstances, shall not be affected thereby."

ACT MAR. 23, 1951, CH. 15, 65 STAT. 7

TITLE I.—RENEGOTIATION OF CONTRACTS

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 26 section 2602.

§ 1211. Congressional declaration of policy.

It is recognized and declared that the Congress has made available for the execution of the national defense program extensive funds, by appropriation and otherwise, for the procurement of property, processes, and services, and the construction of facilities necessary for the national defense; that sound execution of the national defense program requires the elimination of excessive profits from contracts made with the United States, and from related subcontracts, in the course of said program; and that the considered policy of the Congress, in the interests of the national defense and the general welfare of the Nation, requires that such excessive profits be eliminated as provided in this title [sections 1211 to 1224 of this Appendix]. (Mar. 23, 1951, ch. 15, title I, § 101, 65 Stat. 7.)

SHORT TITLE

Congress in enacting sections 1211—1233 of this Appendix and amending section 1191 of this Appendix and section 3806(a)(1) of Title 26, I.R.C. 1939, provided, by section 1 of act Mar. 23, 1951, that they should be popularly known as the "Renegotiation Act of 1951."

SEPARABILITY OF PROVISIONS

Section 204 of act Mar. 23, 1951, provided that: "If any provision of this Act [sections 1211—1233 of this Appendix] or the application of any provision to any person or circumstance is held invalid, the validity of the remainder of the Act [said sections] and of the application of its provisions to other persons and circumstances shall not be affected thereby."

STUDIES OF PROCUREMENT POLICIES AND PRACTICES

Pub. L. 86-89, § 4, July 13, 1959, 73 Stat. 211, as amended by Pub. L. 87-4, Mar. 22, 1961, 75 Stat. 6; Pub. L. 87-55, June 21, 1961, 75 Stat. 95, provided that:

"(a) (1) The Committee on Armed Services of the Senate, or any duly authorized subcommittee thereof, and the Committee on Armed Services of the House of Representatives, or any duly authorized subcommittee thereof, are directed to make full and complete studies of the procurement policies and practices of the Department of Defense, the Department of the Air Force, the Department of the Army, and the Department of the Navy. Such studies shall include an examination of the experience of such Departments in the use of various methods of procurement and types of contractual instruments, with particular regard to the effectiveness thereof in achieving reasonable costs, prices, and profits.

"(2) Each committee shall, not later than September 30, 1960, report to its House the results of the study conducted by it pursuant to paragraph (1) of this subsection, together with such recommendations as it deems necessary or desirable. Each committee shall make all material and data collected in the course of the study conducted by it available to the Joint Committee on Internal Revenue Taxation to assist it in making the study required by subsection (b).

"(b) (1) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is directed to make a full and complete study of the Renegotiation Act of 1951, as amended [sections 1191, and 1211—1233 of this Appendix], and of the policies and practices of the Renegotiation Board.

"(2) The Joint Committee shall, not later than January 31, 1962, report to the Senate and the House of Representatives the results of the study conducted pursuant to paragraph (1) of this subsection, together with such recommendations as it deems necessary or desirable.

"(3) For the purpose of making the study and report required by paragraph (1) of this subsection, the Joint Committee, and the Chief of Staff of the Joint Committee, may exercise any of the powers conferred upon the Joint Committee and the Chief of Staff of the Joint Committee by sections 8021 and 8023 of the Internal Revenue Code of 1954 [Title 26]. The provisions of section 8023(b) of such Code shall apply to requests made under the authority of this paragraph to the same extent as in the case of other requests made under the authority of section 8023(a) of such Code."

CROSS REFERENCES

Peace Corps program contracts subject to provisions of section 1211 et seq. of this Appendix, see section 2509 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1212 to 1224 of this Appendix.

§ 1212. Contracts subject to renegotiation.

(a) Generally.

The provisions of this title [sections 1211 to 1224 of this Appendix] shall be applicable (1) to all contracts with the Departments specifically named in section 103 (a) [section 1213 (a) of this Appendix], and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103 (a) [section 1213 (a) of this Appendix], and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day.

(b) Performance prior to July 1, 1950.

Notwithstanding the provisions of subsection (a) of this section, the provisions of this title [sections 1211 to 1224 of this Appendix] shall not apply to contracts with the Departments, or related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the 1st day of January 1951, which are attributable to performance, under such contracts or subcontracts, prior to July 1, 1950. This subsection shall have no application in the case of contracts, or related subcontracts, which, but for subsection (c) of this section, would be subject to the Renegotiation Act of 1948 [section 1193 of this Appendix].

(c) Termination.

(1) In general.

The provisions of this title [sections 1211 to 1224 of this Appendix] shall apply only with respect to receipts and accruals, under contracts with the Departments and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the termination date, shall be considered as having been received or accrued not later than the termination date. For the purposes of this title [sections 1211 to 1224 of this Appendix], the term "termination date" means June 30, 1971.

(2) Termination of status as department.

When the status of any agency of the Government as a Department within the meaning of section 103 (a) [section 1213 (a) of this Appendix] is terminated, the provisions of this title [sections 1211 to 1224 of this Appendix] shall apply only with respect to receipts and accruals, under contracts with such agency and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the status termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the status termination date, shall be considered as having been received or accrued not later than the status termination date. For the purposes of this paragraph, the term "status termination date" means, with respect to any agency, the date on which the status of such agency as a Department within the meaning of section 103 (a) [section 1213 (a) of this Appendix] is terminated.

(d) Renegotiation Act of 1948.

The Renegotiation Act of 1948 shall not be applicable to any contract or subcontract to the extent of the amounts received or accrued by a contractor or subcontractor on or after the 1st day of January 1951, whether such contract or subcontract was made on, before, or after such first day. In the case of a fiscal year beginning in 1950 and ending in 1951, if a contractor or subcontractor has receipts or accruals prior to January 1, 1951, from contracts or subcontracts subject to the Renegotiation Act of 1948, and also has receipts or accruals after December 31, 1950, to which the provisions of this title [sections 1211 ot 1224 of this Appendix] are applicable, the provisions of this title [sections 1211 to 1224 of this Appendix] shall, notwithstanding subsection (a), apply to such receipts and accruals prior to January 1, 1951, if the Board and such contractor or subcontractor agree to such application of this title [sections 1211 to 1224 of this Appendix]; and in the case of such an agreement the provisions of the Renegotiation Act of 1948 shall not apply to any of the receipts or accruals for such fiscal year.

(e) Suspension of certain profit limitations.

Notwithstanding any agreement to the contrary, the profit-limitation provisions of the Act of March 27, 1934 (48 Stat. 503, 505), as amended and supplemented, and of section 505 (b) of the Merchant Marine Act, 1936, as amended and supplemented [section 1155 (b) of Title 46], shall not apply, in the case of such Act of March 27, 1934, to any contract or subcontract if any of the receipts or accruals therefrom are subject to this title [sections 1211 to 1224 of this Appendix] or would be subject to this title except for the provisions of section 106 (e) [section 1216 (e) of this Appendix], and, in the case of the Merchant Marine Act, 1936, to any contract or subcontract entered into after December 31, 1950, if any of the receipts or accruals therefrom are subject to this title [sections 1211—1224 of this Appendix] or would be subject to this title except for the provisions of section 106 (e) [section 1216 (e) of this Appendix]. (Mar. 23, 1951, ch. 15, title I, § 102, 65 Stat. 8; Sept. 1, 1954, ch. 1209, § 1, 68 Stat. 1116; Aug. 3, 1955, ch. 499, §§ 1, 2(a), 69 Stat. 447; Aug. 1, 1956, ch. 821, §§ 2, 9(b), 70 Stat. 786, 791; Sept. 6, 1958, Pub. L. 85-930, § 1, 72 Stat. 1789; July 13, 1959, Pub. L. 86-89, § 1, 73 Stat. 210; July 3, 1962, Pub. L. 87-520, § 1, 76 Stat. 134; June 30, 1964,

Pub L. 88–339, § 1, 78 Stat. 233; June 30, 1966, Pub. L. 89–480, 80 Stat. 232; Oct. 24, 1968, Pub. L. 90–634, title I, § 102, 82 Stat. 1345.)

REFERENCES IN TEXT

Act of Mar. 27, 1934, referred to in subsec. (e), which was classified to sections 494, 495, 496 and 497 of former Title 34, Navy, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641 and is now covered by sections 2382, 7300, 7342, and 7343 of Title 10, Armed Forces. Section 494 of former Title 34, Navy, was omitted.

Merchant Marine Act, 1936, as amended, referred to in subsec. (e), is classified to chapter 27 of Title 46, Shipping.

AMENDMENTS

1968—Subsec. (c)(1). Pub. L. 90–634 extended the termination date from June 30, 1968, to June 30, 1971.

1966—Subsec. (c)(1). Pub. L. 89–480 extended termination date from June 30, 1966 to June 30, 1968.

1964—Subsec. (c)(1). Pub. L. 88–339 substituted "June 30, 1966" for "June 30, 1964."

1962—Subsec. (c)(1). Pub. L. 87–520 extended termination date from June 30, 1962, to June 30, 1964.

1959—Subsec. (c)(1). Pub. L. 86–89 extended termination date from June 30, 1959, to June 30, 1962.

1958—Subsec. (c). Pub. L. 85–930 extended termination date from Dec. 31, 1958, to June 30, 1959.

1956—Subsec. (a). Act Aug. 1, 1956, § 2, eliminated provisions which set Dec. 31, 1956, as the expiration date, which provisions are now covered by subsec. (c) of this section.

Subsec. (c). Act Aug. 1, 1956, § 2, added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d), formerly (c). Act Aug. 1, 1956, § 2, redesignated former subsec. (d) as (e).

Subsec. (e), formerly (d). Act Aug. 1, 1956, § 9(b), substituted "section 106(e)" for "section 106(a)(8)".

1955—Subsec. (a). Act Aug. 3, 1955, § 1, extended expiration date from Dec. 31, 1954 to Dec. 31, 1956.

Subsec. (d). Act Aug. 3, 1955, § 2(a), exempted from the profit-limitation provisions contracts or subcontracts if any of the receipts or accruals therefrom are subject to sections 1211—1233 of this Appendix except for the provisions of section 1216(a)(8) of this title.

1954—Subsec. (a). Act Sept. 1, 1954, extended expiration date from Dec. 31, 1953 to Dec. 31, 1954.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 105 of Pub. L. 90–634 provided that: "The amendment made by section 102 [amending this section] shall take effect as of June 30, 1968. The amendments made by sections 103 and 104 [amending sections 1215 and 1216 of this Appendix] shall apply with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after the date of the enactment of this Act [Oct. 24, 1968]."

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment of subsec. (e) of this section by act Aug. 1, 1956, applicable only with respect to fiscal years (as defined in section 1213 (h) of this Appendix) ending after June 30, 1956, see section 9 (c) of act Aug. 1, 1956, set out as a note under section 1216 of this Appendix.

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2 (b) of act Aug. 3, 1955, provided that the amendment of subsec. (d) shall apply to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after Dec. 31, 1953.

SHORT TITLE OF 1968 AMENDMENTS

Section 101 of Pub. L. 90–634 provided that: "This title [amending this section and sections 1215 and 1216 of this Appendix, and enacting provisions set out as a note under this section] may be cited as the 'Renegotiation Amendments Act of 1968'."

SHORT TITLE OF 1956 AMENDMENTS

Congress, in enacting sections 1218a and 1224 of this Appendix, and amending sections 1212 (a), (c—e) 1213 (a) (b), (f), (m), 1215 (c), (e) (1), (f) (1, 3), 1216 (a) (7, 8), (e), 1217 (c), 1218, and 1223 of this Appendix, provided by section 1 of act Aug. 1, 1956, that those enactments and amendments should be popularly known as the "Renegotiation Amendments Act of 1956".

STUDY BY JOINT COMMITTEE ON INTERNAL REVENUE TAXATION FOR DETERMINATION OF EXTENSION OF RENEGOTIATION ACT OF 1951

Section 6 of act Aug. 3, 1955, directed the Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, to make a complete study in order to determine whether there is any necessity of extending the Renegotiation Act of 1951 [sections 1211—1233 of this Appendix] beyond December 31, 1956; and if any such further extension is found necessary, the extent to which renegotiation of Government contracts should apply after such date. The Joint Committee was required, not later than May 31, 1956, to report to the Senate and the House of Representatives the results of the study conducted, together with such recommendations as it deemed necessary or desirable.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211, 1213 to 1224 of this Appendix.

§ 1213. Definitions.

For the purposes of this title [sections 1211 to 1224 of this Appendix]—

(a) Department.

The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, the National Aeronautics and Space Administration, the Federal Aviation Agency, and the Atomic Energy Commission. Such term also includes any other agency of the Government exercising functions having a direct and immediate connection with the national defense which is designated by the President during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956 [August 1, 1956]; but such designation shall cease to be in effect on the last day of the month during which such national emergency is terminated.

(b) Secretary.

The term "Secretary" means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Commerce (with respect to the Maritime Administration), the Federal Maritime Board, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, the Atomic Energy Commission, and the head of any other agency of the Government which the President shall designate as a Department pursuant to subsection (a) of this section.

(c) Board.

The term "Board" means the Renegotiation Board created by section 107 (a) of this Act [section 1217 (a) of this Appendix].

(d) Renegotiate and renegotiation.

The terms "renegotiate" and "renegotiation" include a determination by agreement or order under this title [sections 1211 to 1224 of this Appendix] of the amount of any excessive profits.

(e) Excessive profits.

The term "excessive profits" means the portion of the profits derived from contracts with the Departments and subcontracts which is determined in accordance with this title [sections 1211 to 1224 of this Appendix] to be excessive. In determining excessive profits favorable recognition must be given to the efficiency of the contractor or subcontractor, with particular regard to attainment of quantity and quality production, reduction of costs, and economy in the use of materials, facilities, and manpower; and in addition, there shall be taken into consideration the following factors:

(1) Reasonableness of costs and profits, with particular regard to volume of production, normal earnings, and comparison of war and peacetime products;

(2) The net worth, with particular regard to the amount and source of public and private capital employed;

(3) Extent of risk assumed, including the risk incident to reasonable pricing policies;

(4) Nature and extent of contribution to the defense effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance;

(5) Character of business, including source and nature of materials, complexity of manufacturing technique, character and extent of subcontracting, and rate of turn-over;

(6) Such other factors the consideration of which the public interest and fair and equitable dealing may require, which factors shall be published in the regulations of the Board from time to time as adopted.

(f) Profits derived from contracts with the departments and subcontracts.

The term "profits derived from contracts with the Departments and subcontracts" means the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto and determined to be allocable thereto. All items estimated to be allowed as deductions and exclusions under chapter 1 of the Internal Revenue Code [chapter 1 of Title 26, I.R.C. 1939] (excluding taxes measured by income) shall, to the extent allocable to such contracts and subcontracts, be allowed as items of cost, except that no amount shall be allowed as an item of cost by reason of the application of a carry-over or carry-back. Notwithstanding any other provision of this section, there shall be allowed as an item of cost in any fiscal year ending before December 31, 1956, subject to regulations of the Board, an amount equal to the excess, if any, of costs (computed without the application of this sentence) paid or incurred in the preceding fiscal year with respect to receipts or accruals subject to the provisions of this title [sections 1211—1224 of this Appendix] over the amount of receipts or accruals subject to the provisions of this title [sections 1211 to 1224 of this Appendix] which were received or accrued in such preceding fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor. For the purposes of the preceding sentence, the term "preceding fiscal year" does not include any fiscal year ending prior to January 1, 1951. Costs shall be determined in accordance with the method of accounting regularly employed by the contractor or subcontractor in keeping his records, but, if no such method of accounting has been employed, or if the method so employed does not, in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, properly reflect such costs, such costs shall be determined in accordance with such method as in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, does properly reflect such costs. In determining the amount of excessive profits to be eliminated, proper adjustment shall be made on account of the taxes measured by income, other than Federal taxes, which are attributable to the portion of the profits which are not excessive.

(g) Subcontract.

The term "subcontract" means—

(1) any purchase order or agreement (including purchase orders or agreements antedating the related prime contract or higher tier subcontract) to perform all or any part of the work, or to make or furnish any materials, required for the performance of any other contract or subcontract, but such term does not include any purchase order or agreement to furnish office supplies;

(2) any contract or arrangement covering the right to use any patented or secret method, formula, or device for the performance of a contract or subcontract; and

(3) any contract or arrangement (other than a contract or arrangement between two contracting parties, one of whom is found by the Board to be a bona fide executive officer, partner, or full-time employee of the other contracting party) under which—

(A) any amount payable is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts; or

(B) any amount payable is determined with reference to the amount of a contract or contracts with a Department or of a subcontract or subcontracts; or

(C) any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts.

Nothing in this subsection shall be construed (i) to affect in any way the validity or construction of provisions in any contract with a Department or any subcontract, heretofore at any time or hereafter made, prohibiting the payment of contingent fees or commissions; or (ii) to restrict in any way the authority of the Board to determine the nature or amount of selling expense under subcontracts as defined in this subsection, as a proper element of the contract price or as a reimbursable item of cost, under a contract with a Department or a subcontract.

(h) Fiscal year.

The term "fiscal year" means the taxable year of the contractor or subcontractor under chapter 1 of

the Internal Revenue Code [chapter 1 of Title 26, I.R.C. 1939], except that where any readjustment of interests occurs in a partnership as defined in section 3797(a)(2) of such code [section 3797(a)(2) of Title 26, I.R.C. 1939] the fiscal year of the partnership or partnerships involved in such readjustment shall be determined in accordance with regulations prescribed by the Board.

(i) Received or accrued and paid or incurred.

The terms "received or accrued" and "paid or incurred" shall be construed according to the method of accounting employed by the contractor or subcontractor in keeping his records, but if no such method of accounting has been employed, or if the method so employed does not, in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, properly reflect his receipts or accruals or payments or obligations, such receipts or accruals or such payments or obligations shall be determined in accordance with such method as in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, does properly reflect such receipts or accruals or such payments or obligations.

(j) Person.

The term "person" shall include an individual, firm, corporation, association, partnership, and any organized group of persons whether or not incorporated.

(k) Materials.

The term "materials" shall include raw materials, articles, commodities, parts, assemblies, products, machinery, equipment, supplies, components, technical data, processes, and other personal property.

(*l*) Agency of the government.

The term "agency of the Government" means any part of the executive branch of the Government or any independent establishment of the Government or part thereof, including any department (whether or not a Department as defined in subsection (a) of this section), any corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, employee, authority, administration, or other establishment of the Government which is not a part of the legislative or judicial branches.

(m) Renegotiation loss carryforwards.

(1) Allowance.

Notwithstanding any other provision of this section, the renegotiation loss deduction for any fiscal year ending on or after December 31, 1956, shall be allowed as an item of cost in such fiscal year, under regulations of the Board.

(2) Definitions.

For the purposes of this subsection—

(A) The term "renegotiation loss deduction" means—

(i) for any fiscal year ending on or after December 31, 1956, and before January 1, 1959, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding two fiscal years; and

(ii) for any fiscal year ending after December 31, 1958, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding five fiscal years (excluding any fiscal year ending before December 31, 1956).

(B) The term "renegotiation loss" means, for any fiscal year, the excess, if any, of costs (computed without the application of this subsection and the third sentence of subsection (f)) paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title [sections 1211 to 1224 of this Appendix] over the amount of receipts or accruals subject to the provisions of this title [sections 1211 to 1224 of this Appendix] which were received or accrued in such fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor.

(3) Amount of carryforwards to 1956, 1957, and 1958.

For the purposes of paragrgaph (2)(A)(i), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") shall be a renegotiation loss carryforward to the first fiscal year succeeding the loss year. Such renegotiation loss, after being reduced (but not below zero) by the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year, shall be a renegotiation loss carryforward to the second fiscal year succeeding the loss year. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year shall be computed as follows:

(A) If such first fiscal year ends on or after December 31, 1956, such profits shall be computed by determining the amount of the renegotiation loss deduction for such first fiscal year without regard to the renegotiation loss for the loss year.

(B) If such first fiscal year ends before December 31, 1956, such profits shall be computed without regard to any renegotiation loss for the loss year or any fiscal year preceding the loss year.

(4) Amount of carryforwards to fiscal years ending after 1958.

For the purposes of paragraph (2)(A)(ii), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") ending on or after December 31, 1956, shall be a renegotiation loss carryforward to each of the five fiscal years following the loss year. The entire amount of such loss shall be carried to the first fiscal year succeeding the loss year. The portion of such loss which shall be carried to each of the other four fiscal years shall be the excess, if any, of the amount of such loss over the sum of the profits derived from contracts with the Departments and subcontracts in each of the prior fiscal years to which such loss may be carried. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in any such prior fiscal year shall be computed by determining the amount of the renegotiation loss deduction without regard to the renegotiation loss for the loss year or for any fiscal year thereafter, and the profits so

computed shall not be considered to be less than zero. (Mar. 23, 1951, ch. 15, Title I, § 103, 65 Stat. 8; Aug. 1, 1956, ch. 821, §§ 3(a), 4, 70 Stat. 786; Sept. 6, 1958, Pub. L. 85–930, § 2(a), 72 Stat. 1789; July 13, 1959, Pub. L. 86–89, § 2, 73 Stat. 210; June 30, 1964, Pub. L. 88–339, § 2(a), 78 Stat. 233.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88–339, § 2(a)(1), inserted "the Federal Aviation Agency."

Subsec. (b). Pub. L. 88–339, § 2(a)(2), inserted "the Administrator of the Federal Aviation Agency."

1959—Subsec. (m). Pub. L. 86–89, § 2(1), substituted "Renegotiation loss carryforwards" for "Two-year loss carryforward" in catchline.

Subsec. (m)(2)(A). Pub. L. 86–89, § 2(2), designated existing provisions as cl. (1) with limitation to fiscal year ending before Jan. 1, 1959, and added cl. (ii).

Subsec. (m)(3). Pub. L. 86–89, § 2(3), substituted the heading "Amount of carryforwards to 1956, 1957, and 1958." for "Amount of carryforwards." and the introductory words "For the purposes of paragraph (2)(A)(i), a" for "A".

Subsec. (m)(4). Pub. L. 86–89, § 2(4), added subsec. (m)(4).

1958—Subsec. (a). Pub. L. 85–930 included the National Aeronautics and Space Administration.

Subsec. (b). Pub. L. 85–930 included the Administrator of the National Aeronautics and Space Administration.

1956—Subsec. (a). Act Aug. 1, 1956, § 3(a), included the United States Maritime Administration and the Federal Maritime Board, excluded the Department of Commerce, the Reconstruction Finance Corporation, the Canal Zone Government, the Panama Canal Company, and the Housing and Home Finance Agency, and limited the definition to include other agencies only during a national emergency.

Subsec. (b). Act Aug. 1, 1956, § 3(a), restricted the definition to include the Secretary of Commerce only with respect to the Maritime Administration, to include the Federal Maritime Board, and to exclude the Board of Directors of the Reconstruction Finance Corporation, the Governor of the Canal Zone, the president of the Panama Canal Company, and the Housing and Home Finance Administrator.

Subsec. (f). Act Aug. 1, 1956, § 4(b), substituted "any fiscal year ending before December 31, 1956," for "any fiscal year".

Subsec. (m). Act Aug. 1, 1956, § 4(a), added subsec. (m).

CHANGE OF NAME

The name of the Tax Court of the United States, referred to in text, was changed to the United States Tax Court by Pub. L. 91–172, title IX, § 951 et seq., Dec. 30, 1969, 83 Stat. 730, which changed the status of that Court to a constitutional court of record.

The name of the Federal Aviation Agency has been changed to the Federal Aviation Administration under Pub. L. 89–670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and created a Federal Aviation Administration to be headed by a Federal Aviation Administrator within such Department. See section 1651 et seq. of Title 49, Transportation.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 2(b) of Pub. L. 88–339 provided that: "The amendments made by subsection (a) [to subsecs. (a) and (b) of this section] shall apply to contracts with the Federal Aviation Agency, and related subcontracts, only to the extent of the amounts received or accrued by a contractor or subcontractor after June 30, 1964."

EFFECTIVE DATE OF 1958 AMENDMENT

Section 2(b) of Pub. L. 85–930 provided that: "The amendments made by subsection (a) [to subsecs. (a) and (b) of this section] shall apply only with respect to contracts entered into by the National Aeronautics and Space Administration and to contracts transferred to such Administration from a Department (as defined in section 103(a) of such Act [subsec. (a) of this section]) under section 301 [sections 2302 and 2303(a)(5) of Title 10 and sections 511–513 of Title 50] or section 302 [section 2453 of Title 42] of the National Aeronautics and Space Act of 1958, and to related sub-contracts."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 3 (b) of act Aug. 1, 1956, provided that: "The amendment made by subsection (a) [to subsecs. (a) and (b)] shall take effect on December 31, 1956."

ABOLITION OF FEDERAL MARITIME BOARD

Section 304 of 1961 Reorg. Plan No. 7, effective Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, Government Organization and Employees, abolished the Federal Maritime Board, including the offices of the members of the Board. Functions of the Board were transferred either to the Federal Maritime Commission or to the Secretary of Commerce by sections 103 and 202 of 1961 Reorg. Plan No. 7.

AGENCIES WITHIN THE TERM "DEPARTMENT"

Ex. Ord. No. 10260, June 27, 1951, 16 F.R. 6271, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051. Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 10294, Sept. 28, 1951, 16 F.R. 9927; Ex. Ord. No. 10299, Oct. 31, 1951, 16 F.R. 11135; Ex. Ord. No. 10369, June 30, 1952, 17 F.R. 5932; Ex. Ord. No. 10567, Sept. 29, 1954, 19 F.R. 6361, which were formerly set out under this section and which designated the National Advisory Committee for Aeronautics, the Tennessee Valley Authority, the United States Coast Guard, the Defense Materials Procurement Agency, the Bureau of Mines, the Geological Survey, the Bonneville Power Administration, the Bureau of Reclamation, and the Federal Facilities Corporation to be within the term "Department" as defined in subsection (a) of this section are eliminated since they preceded the amendment of this section by act Aug. 1, 1956, which empowered the President, during a national emergency proclaimed by him or declared by the Congress after Aug. 1, 1956, to designate as a "Department" any other agency of the Government exercising functions having a direct and immediate connection with the national defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211, 1212, 1214 to 1224 of this Appendix.

§ 1214. Renegotiation clause in contracts.

Subject to section 106 (a) [section 1216 (a) of this Appendix] the Secretary of each Department specifically named in section 103 (a) [section 1213 (a) of this Appendix] shall insert in each contract made by such Department thirty days or more after the date of the enactment of this Act [March 23, 1951], and the Secretary of each Department designated by the President under section 103 (a) [section 1213 (a) of this Appendix] shall insert in each contract made by such Department thirty days or more after the date of such designation, a provision under which the contractor agrees—

(1) to the elimination of excessive profits through renegotiation;

(2) that there may be withheld by the United States from amounts otherwise due the contractor, or that he will repay to the United States, if paid to him, any excessive profits;

(3) that he will insert in each subcontract described in section 103(g) [section 1213(g) of this Appendix] a provision under which the subcontractor agrees—

(A) to the elimination of excessive profits through renegotiation;

(B) that there may be withheld by the contractor for the United States from amounts otherwise due to the subcontractor, or that the subcontractor will repay to the United States, if paid to him, any excessive profits;

(C) that the contractor shall be relieved of all liability to the subcontractor on account of any amount so withheld, or so repaid by the subcontractor to the United States;

(D) that he will insert in each subcontract described in section 103(g) [section 1213(g) of this Appendix] provisions corresponding to those of subparagraphs (A), (B), and (C) of this paragraph, and to those of this subparagraph;

(4) that there may be withheld by the United States from amounts otherwise due the contractor or that he will repay to the United States, as the Secretary may direct, any amounts which under section 105(b)(1)(C) [section 1215(b)(1)(C) of this Appendix] the contractor is directed to withhold from a subcontractor and which are actually unpaid at the time the contractor receives such direction.

The obligations assumed by the contractor or subcontractor under paragraph (1) or (3) (A) of this section, as the case may be, agreeing to the elimination of excessive profits through renegotiation shall be binding on him only if the contract or subcontract, as the case may be, is subject to this title [sections 1211 to 1224 of this Appendix]. A provision inserted in a contract or subcontract, which recites in substance that the contract or subcontract shall be deemed to contain all the provisions required by this section shall be sufficient compliance with this section. Whether or not the provisions specified in this section are inserted in a contract with a Department or subcontract, to which this title [sections 1211 to 1224 of this Appendix] is applicable, such contract or subcontract, as the case may be, shall be considered as having been made subject to this title [sections 1211 to 1224 of this Appendix] in the same manner and to the same extent as if such provisions had been inserted. (Mar. 23, 1951, ch. 15, title I, § 104, 65 Stat. 11.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1213, 1215 to 1224 of this Appendix.

§ 1215. Renegotiation proceedings.

(a) Proceedings before Board.

Renegotiation proceedings shall be commenced by the mailing of notice to that effect, in such form as may be prescribed by regulation, by registered mail or by certified mail to the contractor or subcontractor. The Board shall endeavor to make an agreement with the contractor or subcontractor with respect to the elimination of excessive profits received or accrued, and with respect to such other matters relating thereto as the Board deems advisable. Any such agreement, if made, may, with the consent of the contractor or subcontractor, also include provisions with respect to the elimination of excessive profits likely to be received or accrued. If the Board does not make an agreement with respect to the elimination of excessive profits received or accrued, it shall issue and enter an order determining the amount, if any, of such excessive profits, and forthwith give notice thereof by registered mail or by certified mail to the contractor or subcontractor. In the absence of the filing of a petition with The Tax Court of the United States under the provisions of and within the time limit prescribed in section 108 [section 1218 of this Appendix], such order shall be final and conclusive and shall not be subject to review or redetermination by any court or other agency. The Board shall exercise its powers with respect to the aggregate of the amounts received or accrued during the fiscal year (or such other period as may be fixed by mutual agreement) by a contractor or subcontractor under contracts with the Departments and subcontracts, and not separately with respect to amounts received or accrued under separate contracts with the Departments or subcontracts, except that the Board may exercise such powers separately with respect to amounts received or accrued by the contractor or subcontractor under any one or more separate contracts with the Departments or subcontracts at the request of the contractor or subcontractor. By agreement with any contractor or subcontractor, and pursuant to regulations promulgated by it, the Board may in its discretion conduct renegotiation on a consolidated basis in order properly to reflect excessive profits of two or more related contractors or subcontractors. Renegotiation shall be conducted on a consolidated basis with a parent and its subsidiary corporations which constitute an affiliated group under section 141(d) of the Internal Revenue Code [section 141(d) of Title 26, I.R.C. 1939] if all of the corporations included in such affiliated group request renegotiation on such basis and consent to such regulations as the Board shall prescribe with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of the excessive profits of such affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code [section 3806 of Title 26, I.R.C. 1939], to each corporation included in such affiliated group. Whenever the Board makes a determination with respect to the amount of excessive profits, and such determination is made by order, it shall, at the resquest of the contractor or subcontractor, as the case may be, prepare and furnish such contractor or subcontractor with a statement of such determination, of the facts used as a basis therefor, and of its reasons for such determination. Such statement shall not be used in The Tax Court of the United States as proof of the facts or conclusions stated therein.

(b) Methods of eliminating excess profits.

(1) General procedures.

Upon the making of an agreement, or the entry of an order, under subsection (a) of this section by the Board, or the entry of an order under section 108 [section 1218 of this Appendix] by The Tax Court of the United States, determining excessive profits, the Board shall forthwith authorize and direct the Secretaries or any of them to eliminate such excessive profits—

(A) by reductions in the amounts otherwise payable to the contractor under contracts with the Departments, or by other revision of their terms;

(B) by withholding from amounts otherwise due to the contractor any amount of such excessive profits;

(C) by directing any person having a contract with any agency of the Government, or any subcontractor thereunder, to withhold for the account of the United States from any amounts otherwise due from such person or such subcontractor to a contractor, or subcontractor, having excessive profits to be eliminated, and every such person or subcontractor receiving such direction shall withhold and pay over to the United States the amounts so required to be withheld;

(D) by recovery from the contractor or subcontractor, or from any person or subcontractor directed under subparagraph (C) of this subsection to withhold for the account of the United States, through payment, repayment, credit, or suit any amount of such excessive profits realized by the contractor or subcontractor or directed under subparagraph (C) [of this subsection] to be withheld for the account of the United States; or

(E) by any combination of these methods, as is deemed desirable.

(2) Interest.

Interest at the rate of 4 per centum per annum shall accrue and be paid on the amount of such excessive profits from the thirtieth day after the date of the order of the Board or from the date fixed for repayment by the agreement with the contractor or subcontractor to the date of repayment, and on amounts required to be withheld by any person or subcontractor for the account of the United States pursuant to paragraph (1)(C) of this subsection, from the date payment is demanded by the Secretaries or any of them to the date of payment. When The Tax Court of the United States, under section 108 [section 1218 of this Appendix], redetermines the amount of excessive profits received or accrued by a contractor or subcontractor, interest at the rate of 4 per centum per annum shall accrue and be paid by such contractor or subcontractor as follows:

(A) When the amount of excessive profits determined by the Tax Court is greater than the amount determined by the Board, interest shall accrue and be paid on the amount determined by the Board from the thirtieth day after the date of the order of the Board to the date of repayment and, in addition thereto, interest shall accrue and be paid on the additional amount determined by the Tax Court from the date of its order determining such excessive profits to the date of repayment.

(B) When the amount of excessive profits determined by the Tax Court is equal to the amount determined by the Board, interest shall accrue and be paid on such amount from the thirtieth day after the date of the order of the Board to the date of repayment.

(C) When the amount of excessive profits determined by the Tax Court is less than the amount determined by the Board, interest shall accrue and be paid on such lesser amount from the thirtieth day after the date of the order of the Board to the date of repayment, except that no interest shall accrue or be payable on such lesser amount if such lesser amount is not in excess of an amount which the contractor or subcontractor tendered in payment prior to the issuance of the order of the Board.

(3) Suits for recovery.

Actions on behalf of the United States may be brought in the appropriate courts of the United States to recover, (A) from the contractor or subcontractor, any amount of such excessive profits and accrued interest not withheld or eliminated by some other method under this subsection, and (B) from any person or subcontractor who has been directed under paragraph (1)(C) of this subsection to withhold for the account of the United States, the amounts required to be withheld under such paragraph, together with accrued interest thereon.

(4) Liability of sureties.

The surety under a contract or subcontract shall not be liable for the repayment of any excessive profits thereon.

(5) Liability of assignees.

Nothing herein contained shall be construed (A) to authorize any Department or agency of the Government, except to the extent provided in the Assignment of Claims Act of 1940, as now or hereafter amended [section 203 of Title 31 and section 15 of Title 41], to withhold from any assignee referred to in said Act [section 203 of Title 31 and section 15 of Title 41], any moneys due or to become due, or to recover any moneys paid, to such assignee under any contract with any Department or agency where such moneys have been assigned pursuant to such Act [section 203 of Title 31 and section 15 of Title 41], or (B) to authorize any Department or agency of the Government to direct the withholding pursuant to this Act [sections 1211 to 1233 of this Appendix], or to recover pursuant to this Act [sections 1211 to 1233 of this Appendix], from any bank, trust company or other financing institution (including any Federal lending agency) which is an assignee under any subcontract, any moneys due or to become due or paid to any such assignee under such subcontract.

(6) Indemnification.

Each person is indemnified by the United States against all claims on account of amounts withheld by such person pursuant to this subsection from a contractor or subcontractor and paid over to the United States.

(7) Treatment of recoveries.

All money recovered by way of repayment or suit under this subsection shall be covered into the Treasury as miscellaneous receipts. Upon the withholding of any amount of excessive profits or the crediting of any amount of excessive profits against amounts otherwise due a contractor from appropriations from the Treasury, the Secretary shall certify the amount thereof to the Treasury and the appropriations of his Department shall be reduced by an amount equal to the amount so withheld or credited. The amount of such reductions shall be transferred to the surplus fund of the Treasury.

(8) Credit for taxes paid.

In eliminating excessive profits, the Secretary shall allow the contractor or subcontractor credit

for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code [section 3806 of Title 26, I.R.C. 1939].

(c) Periods of limitations.

In the absence of fraud or malfeasance or willful misrepresentation of a material fact, no proceeding to determine the amount of excessive profits for any fiscal year shall be commenced more than one year after a financial statement under subsection (e) (1) of this section is filed with the Board with respect to such year, and, in the absence of fraud or malfeasance or willful misrepresentation of a material fact, if such proceeding is not commenced prior to the expiration of one year following the date upon which such statement is so filed, all liabilities of the contractor or subcontractor for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits is not made within two years following the commencement of the renegotiation proceeding, then, in the absence of fraud or malfeasance or willful misrepresentation of a material fact, upon the expiration of such two years all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (1) if an order is made within such two years pursuant to a delegation of authority under subsection (d) of section 107 [section 1217 (d) of this Appendix], such two-year limitation shall not apply to review of such order by the Board, and (2) such two-year period may be extended by mutual agreement.

(d) Agreements to eliminate excessive profits.

For the purpose of this title [sections 1211 to 1224 of this Appendix] the Board may make final or other agreements with a contractor or subcontractor for the elimination of excessive profits and for the discharge of any liability for excessive profits under this title [said sections]. Such agreements may contain such terms and conditions as the Board deems advisable. Any such agreement shall be conclusive according to its terms; and, except upon a showing of fraud or malfeasance or a willful misrepresentation of a material fact, (1) such agreement shall not for the purposes of this title [said sections] be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States, and (2) such agreement and any determination made in accordance therewith shall not be annulled, modified, set aside, or disregarded in any suit, action, or proceeding. Notwithstanding any other provision of this title [said sections], however, the Board shall have the power, pursuant to regulations promulgated by it, to modify any agreement or order for the purpose of extending the time for payment of sums due under such agreement or order, and shall also have the power to set aside and declare null and void any such agreement if, upon a request made to the Board within three years from the date of such agreement, the Board finds as a fact that the aggregate of the amounts received or accrued by the other party to such agreement during the fiscal year covered by such agreement was not more than the minimum amounts subject to renegotiation specified in section 105 (f) [subsection (f) of this section] for such fiscal year.

(e) Information available to Board.

(1) Furnishing of financial statements, etc.

Every person who holds contracts or subcontracts, to which the provisions of this title [sections 1211 to 1224 of this Appendix] are applicable, shall, in such form and detail as the Board may by regulations prescribe, file with the Board, on or before the first day of the fifth calendar month following the close of his fiscal year, a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this title [sections 1211 to 1244 of this Appendix]. The preceding sentence shall not apply to any such person with respect to a fiscal year if the aggregate of the amounts received or accrued under such contracts and subcontracts during such fiscal year by him, and all persons under control of or controlling or under common control with him, is not more than the applicable amount prescribed in subsection (f) (1) or (2) of this section; but any person to whom this sentence applies may, if he so elects, file with the Board for such fiscal year a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this title [sections 1211 to 1224 of this Appendix]. Any person who, but for the provisions of section 106(e)(1)(A) [section 1216(e)(1)(A) of this Appendix], would not be relieved for a fiscal year from the filing requirements of the first sentence of this paragraph by reason of the preceding sentence shall furnish for such fiscal year such information with respect to the application of such provisions (and with respect to the aggregate specified in the preceding sentence) as the Board may by regulations prescribed as necessary to carry out this title [sections 1211 to 1224 of this Appendix]. The Board may require any person who holds contracts or subcontracts to which the provisions of this title [sections 1211 to 1224 of this Appendix] are applicable (whether or not such person has filed a financial statement under this paragraph) to furnish any information, records, or data which are determined by the Board to be necessary to carry out this title [sections 1211 to 1224 of this Appendix] and which the Board specifically requests such person to furnish. Such information, records, or data may not be required with respect to any fiscal year after the date on which all liabilities of such person for excessive profits received or accrued during such fiscal year are discharged. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any statement, information, records, or data pursuant to this subsection containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both.

(2) Audit of books and records.

For the purpose of this title [sections 1211 to 1224 of this Appendix], the Board shall have the right to audit the books and records of any contractor or

subcontractor subject to this title [said sections]. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon the request of the Board and the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this title [said sections].

(f) Minimum amounts subject to renegotiation.

(1) Aggregate amounts received or accrued during fiscal year.

If the aggregate of the amounts received or accrued during a fiscal year (and on or after the applicable effective date specified in section 102(a) [section 1212(a) of this Appendix]) by a contractor or subcontractor, and all persons under control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts described in section 103(g) (1) and (2) [section 1213 (g) (1), (2) of this Appendix], is not more than $250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953, or $1,000,000, in the case of a fiscal year ending after June 30, 1956, the receipts or accruals from such contracts and subcontracts shall not, for such fiscal year, be renegotiated under this title [sections 1211 to 1224 of this Appendix]. If the aggregate of such amounts received or accrued during the fiscal year under such contracts and subcontracts is more than $250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953, or $1,000,000, in the case of a fiscal year ending after June 30, 1956, no determination of excessive profits to be eliminated for such year with respect to such contracts and subcontracts shall be in an amount greater than the amount by which such aggregate exceeds $250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953, or $1,000,000, in the case of a fiscal year ending after June 30, 1956.

(2) Subcontracts described in section 1213(g)(3) of this Appendix.

If the aggregate of the amounts received or accrued during a fiscal year (and on or after the applicable effective date specified in section 102(a) [section 1212(a) of this Appendix]) by a subcontractor, and all persons under control of or controlling or under common control with the subcontractor, under subcontracts described in section 103(g) (3) [section 1213(g)(3) of this Appendix] is not more than $25,000, the receipts or accruals from such subcontracts shall not, for such fiscal year, be renegotiated under this title [sections 1211 to 1224 of this Appendix]. If the aggregate of such amounts received or accrued during the fiscal year under such subcontracts is more than $25,000, no determination of excessive profits to be eliminated for such year with respect to such subcontracts shall be in an amount greater than the amount by which such aggregate exceeds $25,000.

(3) Computation.

In computing the aggregate of the amounts received or accrued during any fiscal year for the purposes of paragraph (1) of this subsection, there shall be eliminated all amounts received or accrued by a contractor or subcontractor from all persons under control of or controlling or under common control with the contractor or subcontractor and all amounts received or accrued, by each such person from such contractor or subcontractor and from each other such person. If the fiscal year is a fractional part of twelve months, the $250,000 amount, the $500,000 amount, the $1,000,000 amount, and the $25,000 amount shall be reduced to the same fractional part thereof for the purposes of paragraphs (1) and (2) of this subsection. In the case of a fiscal year beginning in 1950 and ending in 1951, the $250,000 amount and the $25,000 amount shall be reduced to an amount which bears the same ratio to $250,000 or $25,000, as the case may be, as the number of days in such fiscal year after December 31, 1950, bears to 365, but this sentence shall have no application if the contractor or subcontractor has made an agreement with the Board pursuant to section 102(c) [section 1212(c) of this Appendix] for the application of the provisions of this title [sections 1211 to 1224 of this Appendix] to receipts or accruals prior to January 1, 1951, during such fiscal year. In the case of a fiscal year beginning on or before the termination date and ending after the termination date, the $1,000,000 amount and the $25,000 amount shall be reduced to an amount which bears the same ratio to $1,000,000 or $25,000, as the case may be, as the number of days in such fiscal year before the close of the termination date bears to 365. (Mar. 23, 1951, ch. 15, title I, § 105, 65 Stat. 12; Sept. 1, 1954, ch. 1209, §§ 2, 7(a), 68 Stat. 1116, 1118; Aug. 1, 1956, ch. 821, §§ 5 (a)—(c), 6, 7(a), 70 Stat. 787; June 11, 1960, Pub. L. 86-507, § 1(39), 74 Stat. 202; July 3, 1962, Pub. L. 87-520, § 2(c), 76 Stat. 134; Oct. 24, 1968, Pub. L. 90-634, title I, § 103, 82 Stat. 1345.)

AMENDMENTS

1968—Subsec. (e) (1). Pub. L. 90-634 added the provision that any person who, but for section 160(e) (1) (A) [section 1216(e) (1) (A) of this Appendix], would not be relieved for a fiscal year from the filing requirements of the first sentence of this par. by reason of the preceding sentence shall furnish for such fiscal year such information with respect to the application of such provisions (and with respect to the aggregate specified in the preceding sentence) as the Board may by regulations prescribe as necessary to carry out this title [sections 1211—1224 of this Appendix].

1962—Subsec. (b) (2). Pub. L. 87-520 deleted last sentence prohibiting accrual of interest after three years from the date of filing a petition with the Tax Court pursuant to section 1218 of this Appendix in any case in which there has not been a final determination by the Tax Court with respect to such petition within such three-year period.

1960—Subsec. (a). Pub. L. 86-507 inserted "or by certified mail" following "registered mail" in two instances.

1956—Subsec. (c). Act Aug. 1, 1956, § 5 (b), (c), provided that the one year period for commencement of proceedings shall not apply in the case of fraud or malfeasance or willful misrepresentation of a material fact.

Subsec. (e) (1). Act Aug. 1, 1956, § 5(a), eliminated the mandatory filing of a financial statement by any

person with respect to a fiscal year if the aggregate of the amounts received or accrued during the fiscal year by that person, and all persons under control of or controlling or under common control with him, is not more than the applicable amount prescribed in subsec. (f) (1) or (2), granted that person the right to elect to file a financial statement, granted the Board power to request information, records or data from any person whether or not that person filed a financial statement, and prohibited the request for information, records or data with respect to any fiscal year after the date on which all liabilities of the person for excessive profits received or accrued during that fiscal year are discharged.

Subsec. (f)(1). Act Aug. 1, 1956, § 6(a), increased the minimum amount subject to renegotiation from $500,000 to $1,000,000 for fiscal years ending after June 30, 1956.

Subsec. (f)(3). Section 6(b) of act Aug. 1, 1956, provided for the reduction of the $1,000,000 amount where the fiscal year is a fractional part of twelve months, and for prorating the $1,000,000 amount and the $25,000 amount where the fiscal year begins on or before the termination date and ends after the termination date. Section 7(a) of act Aug. 1, 1956, omitted provisions which, for the purposes of subsec. (f)(2), permitted exclusion of amounts received or accrued by a contractor or subcontractor from all persons under control of or controlling or under common control with the contractor or subcontractor and all amounts received or accrued by each such person from that contractor or subcontractor and from each other such person.

1954—Subsec. (d). Act Sept. 1, 1954, § 7(a), gave Board power to declare agreements void.

Subsecs. (f)(1), (3). Act Sept. 1, 1954, § 2, increased the minimum amount subject to renegotiation from $250,000 to $500,000 for fiscal years ending on or after June 30, 1953.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-634 applicable with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after Oct. 24, 1968, see section 105 of Pub. L. 90-634, set out as a note under section 1212 of this Appendix.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 2(d) of Pub. L. 87-520 provided that: "The amendments made by this section [to subsec. (b)(2) of this section and sections 1218 and 1218a of this Appendix] shall apply only with respect to cases in which the petition for redetermination is filed with the Tax Court of the United States after the date of the enactment of this Act [July 3, 1962]."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 (d) of act Aug. 1, 1956, provided that: "The amendments made by subsections (a), (b), and (c) [to subsecs. (c) and (e) (1)] shall apply only with respect to fiscal years (as defined in section 103 (h) of such Act [section 1213(h) of this Appendix] ending after June 30, 1956."

Section 7 (b) of act Aug. 1, 1956, provided that: "The amendment made by subsection (a) [to subsec. (f) (3)] shall apply only with respect to fiscal years (as defined in scection 103 (h) of such Act [section 1213 (h) of this Appendix] ending on or after June 30, 1956."

EFFECTIVE DATE OF 1954 AMENDMENT

Section 7 (b) of act Sept. 1, 1954, provided that the amendment of subsec. (d) should take effect as if it had been a part of this section when enacted on Mar. 23, 1951.

CHANGE OF NAME

The name of the Tax Court of the United States, referred to in text, was changed to the United States Tax Court by Pub. L. 91-172, title IX, § 951 et seq., Dec. 30, 1969, 83 Stat. 730, which changed the status of that Court to a constitutional court of record.

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150-29, eff. July 9, 1953.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1214, 1216 to 1224 of this Appendix.

§ 1216. Exemptions.

(a) Mandatory exemptions.

The provisions of this title [sections 1211 to 1224 of this Appendix] shall not apply to—

(1) any contract by a Department with any Territory, possession, or State, or any agency or political subdivision thereof, or with any foreign government or any agency thereof; or

(2) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(A) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugarcane, and sugar beets;

(B) natural resins, saps, and gums of trees;

(C) animals, such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream; or

(3) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(4) any contract or subcontract with a common carrier for transportation, or with a public utility for gas, electric energy, water, communications, or transportation, when made in either case at rates not in excess of published rates or charges filed with, fixed, approved, or regulated by a public regulatory body, State, Federal, or local, or at rates not in excess of unregulated rates of such a public utility which are substantially as favorable to users and consumers as are regulated rates. In the case of the furnishing or sale of transportation by common carrier by water, this paragraph shall apply only to such furnishing or sale which is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act [chapter 12 of Title 49] or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933 [chapter 23A of Title 46] and to such furnishing or sale in any case in which the Board finds that the regulatory aspects of rates for such furnishing or sale, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable; or

(5) Any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code [section 101 (6) of Title 26, I.R.C. 1939], but only if the income from such contract or subcontract is not includible under section 422 of such code [section 422 of Title 26, I.R.C. 1939] in computing the unrelated business net income of such organization; or

(6) any contract which the Board determines does not have a direct and immediate connection with the national defense. The Board shall prescribe regulations designating those classes and types of contracts which shall be exempt under this paragraph; and the Board shall, in accordance with regulations prescribed by it, exempt any individual contract not falling within any such class or type if it determines that such contract does not have a direct and immediate connection with the national defense. In designating those classes and types of contracts which shall be exempt and in exempting any individual contract under this paragraph, the Board shall consider as not having a direct or immediate connection with national defense any contract for the furnishing of materials or services to be used by the United States, a Department or agency thereof, in the manufacture and sale of synthetic rubbers to a private person or to private persons which are to be used for nondefense purposes. If the use by such private person or persons shall be partly for defense and partly for nondefense purposes, the Board shall consider as not having a direct or immediate connection with national defense that portion of the contract which is determined not to have been used for national defense purposes. The method used in making such determination shall be subject to approval by the Board. Notwithstanding section 108 of this title [section 1218 of this Appendix], regulations prescribed by the Board under this paragraph, and any determination of the Board that a contract is or is not exempt under this paragraph shall not be reviewed or redetermined by the Tax Court or by any other court or agency; or

(7) any subcontract directly or indirectly under a contract or subcontract to which this title [sections 1211 to 1224 of this Appendix] does not apply by reason of any paragraph, other than paragraph (1), (5), or (8), of this subsection; or

(8) Repealed. Aug. 1, 1946, ch. 821, § 9(a), 70 Stat. 789.

(9) any contract, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility, other than a contract for the construction of housing financed with a mortgage or mortgages insured under the provisions of title VIII of the National Housing Act, as now or hereafter amended [section 1748 et seq. of Title 12].

(b) Cost allowance.

In the case of a contractor or subcontractor who produces or acquires the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, and processes, refines, or treats such a product to and beyond the first form or state suitable for industrial use, or who produces or acquires an agricultural product and processes, refines, or treats such a product to and beyond the first form or state in which it is customarily sold or in which it has an established market, the Board shall prescribe such regulations as may be necessary to give such contractor or subcontractor a cost allowance substantially equivalent to the amount which would have been realized by such contractor or subcontractor if he had sold such product at such first form or state. Notwithstanding any other provisions of this title [sections 1211 to 1224 of this Appendix], there shall be excluded from consideration in determining whether or not a contractor or subcontractor has received or accrued excessive profits that portion of the profits, derived from receipts and accruals subject to the provisions of this title [said sections], attributable to the increment in value of the excess inventory. For the purposes of this subsection the term "excess inventory" means inventory of products, hereinbefore described in this subsection, acquired by the contractor or subcontractor in the form or at the state in which contracts for such products on hand or on contract would be exempted from this title [said sections] by subsection (a) (2) or (3) of this section, which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders. That portion of the profits, derived from receipts and accruals subject to the provisions of this title [said sections], attributable to the increment in value of the excess inventory, and the method of excluding such portions of profits from consideration in determining whether or not the contractor or subcontractor has received or accrued excessive profits, shall be determined in accordance with regulations prescribed by the Board.

(c) Partial mandatory exemption for durable productive equipment.

(1) Receipts and accruals.

The provisions of this title [sections 1211 to 1224 of this Appendix] shall not apply to receipts or accruals (other than rents) from contracts or subcontracts for new durable productive equipment, except (A) to that part of such receipts or accruals which bears the same ratio to the total of such receipts or accruals as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition), or, if an average useful life is not so set forth, then as estimated by the Board and (B) to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use.

(2) Definitions.

For the purpose of this subsection, the term "durable productive equipment" means machinery, tools, or other productive equipment, which has an average useful life of more than five years.

(d) Permissive exemptions.

The Board is authorized, in its discretion, to exempt from some or all of the provisions of this title [sections 1211 to 1224 of this Appendix]—

(1) any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

(2) any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of (A) agreements for personal services or for the purchase of real property,

perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, (B) leases and license agreements, and (C) agreements where the period of performance under such contract or subcontract will not be in excess of thirty days.

(3) any contract or subcontract or performance thereunder during a specified period or periods if, in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits;

(4) any contract or subcontract the renegotiation of which would jeopardize secrecy required in the public interest;

(5) any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

The Board may so exempt contracts and subcontracts both individually and by general classes or types.

(e) Mandatory exemption for standard commercial articles and services.

(1) Articles and services.

The provisions of this title [sections 1211 to 1224 of this Appendix] shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service which (with respect to such fiscal year) is—

(A) a standard commercial article; or

(B) a service which is a standard commercial service or is reasonably comparable with a standard commercial service.

(2) Classes of articles.

The provisions of this title (sections 1211 to 1224 of this Appendix] shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article which (with respect to such fiscal year) is an article in a standard commercial class of articles.

(3) Applications.

Paragraph (1) (B) and paragragh (2) shall apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service only if—

(A) the contractor or subcontractor at his election files, at such time and in such form and detail as the Board shall by regulations prescribe, an application containing such information and data as may be required by the Board under its regulations for the purpose of enabling it to make a determination under the applicable paragraph, and

(B) The Board determines that such article or service is, or fails to determine that such article or service is not, an article or service to which such paragraph applies, within the following periods after the date of filing such application:

(i) in the case of paragraph (1) (B), three months;

(ii) in the case of paragraph (2), six months; or

(iii) in either case, any longer period stipulated by mutual agreement.

(4) Definitions.

For the purposes of this subsection—

(A) the term "article" includes any material, part, component, assembly, machinery, equipment, or other personal property;

(B) the term "standard commercial article" means, with respect to any fiscal year, an article—

(i) which either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

(ii) the price of which under any contract or subcontract subject to this title [sections 1211 to 1224 of this Appendix] is not in excess of the lowest price at which such article is sold in similar quantity by the contractor or subcontractor for civilian industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances, and

(iii) from the sales of which by the contractor or subcontractor at least 55 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection and subsection (c) of this section) subject to this title [sections 1211 to 1224 of this Appendix];

(C) the term "service" means any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person;

(D) the term "standard commercial service" means, with respect to any fiscal year, a service—

(i) the price of which under any contract or subcontract subject to this title [sections 1211 to 1224 of this Appendix] is not in excess of the lowest price at which such service is performed under similar circumstances by the contractor or subcontractor for civilian industrial or commercial purposes, and

(ii) from the performance of which by the contractor or subcontractor at least 55 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection, subject to this title [sections 1211 to 1224 of this Appendix];

(E) a service is, with respect to any fiscal year "reasonably comparable with a standard commercial service" only if—

(i) such service is of the same or a similar kind, performed with the same or similar materials, and has the same or a similar result, without necessarily involving identical operations, as a standard commercial service from the performance of which the contractor or subcontractor has receipts or accruals in such fiscal year,

(ii) the price of such service under any contract or subcontract subject to this title [sections 1211—1224 of this Appendix] is not in excess of the lowest price at which such service is performed under similar circumstances by

the contractor or subcontractor for civilian industrial or commercial purposes, and

(iii) at least 55 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are not (without regard to this subsection) subject to this title [sections 1211 to 1224 of this Appendix]; and

(F) the term "standard commercial class of articles" means, with respect to any fiscal year, two or more articles with respect to which the following conditions are met:

(i) at least one of such articles either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

(ii) all of such articles are of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications),

(iii) the price of each of such articles under any contract or subcontract subject to this title [sections 1211 to 1224 of this Appendix] is not in excess of the lowest price at which such article is sold in similar quantity by the contractor or subcontractor for civilian industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances,

(iv) all of such articles are sold at reasonably comparable prices, and

(v) at least 55 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from sales of all such articles are not (without regard to this subsection and subsection (c) of this section) subject to this title.

(5) Waiver of exemption.

Any contractor or subcontractor may waive the exemption provided in paragraphs (1) and (2) with respect to his receipts or accruals in any fiscal year from sales of any article or service by including a statement to such effect in the financial statement filed by him for such fiscal year pursuant to section 105 (e) (1) [section 1215 (e) (1) of this Appendix], without necessarily waiving such exemption with respect to receipts or accruals in such fiscal year from sales of any other article or service. A waiver, if made, shall be unconditional, and no waiver may be made without the permission of the Board for any receipts or accruals with respect to which the contractor or subcontractor has previously filed an application under paragraph (3).

(6) Nonapplicability during national emergencies.

Paragraphs (1) and (2) shall not apply to amounts received or accrued during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956 [August 1, 1956]. (Mar. 23, 1951, ch. 15, title I, § 106, 65 Stat. 17; Sept. 1, 1954, ch. 1209, §§ 3 (a), 4 (a)—(c), 5(a), 6(a), 68 Stat. 1116, 1118; Aug. 3, 1955, ch. 499, §§ 3(a), 4(a), 5(a), 69 Stat. 447, 448; Aug. 1, 1956, ch. 821, §§ 8(a), 9(a), 70 Stat. 789; Oct. 24, 1968, Pub. L. 90-634, title I, § 104, 82 Stat. 1345.)

AMENDMENTS

1968—Subsec. (e) (1) (A). Pub. L. 90-634, § 104(a) (1) (B), added "or" following "article;".

Subsec. (e) (1) (B). Pub. L. 90-634, § 104(a) (1) (A), (C), redesignated subsec. (e) (1) (C) as (e) (1) (B). Former subsec. (e) (1) (B), which related to an article which is identical in every material respect with a standard commercial article, was struck out.

Subsec. (e) (1) (C). Pub. L. 90-634, § 104(a) (1) (C), redesignated subsec. (e) (1) (C) as (e) (1) (B).

Subsec. (e) (3). Pub. L. 90-634, § 104(a) (2), struck out all references to subsec. (e) (1) (C) of this section.

Subsec. (e) (4). Pub. L. 90-634, § 104(b), reenacted without change the definitions of the terms "article" and "service", amended the definitions of the terms "standard commercial article", "standard commercial service", "reasonably comparable with a standard commercial service", and "standard commercial class of articles", and struck out the definition of the term "identical in every material respect with a standard commercial article".

1956—Subsec. (a) (7). Act Aug. 1, 1956, § 8(a), substituted "other than paragraph (1), (5), or (8)" for "other than paragraph (8)".

Subsec. (a) (8). Act Aug. 1, 1956, § 9(a), repealed subsec. (a) (8), which provided for a mandatory exemption for standard commercial articles and services. Subject matter is now covered by subsec. (e) of this section.

Subsec. (e). Act Aug. 1, 1956, § 9(a), added subsec. (e).

1955—Subsec. (a) (8). Act Aug. 3, 1955, § 3(a), added the term "standard commercial service" and the definitions of "service", "standard commercial service"; and "reasonably comparable" to exempt contracts and subcontracts for the making or furnishing of a standard commercial service.

Subsec. (a) (9). Act Aug. 3, 1955, § 4(a), added subsec. (a) (9).

Subsec. (c) (2). Act Aug. 3, 1955, § 5(a), granted exemptions to manufacturers who sell items of durable productive equipment to other manufacturers who incorporate it in equipment sold to the Government.

1954—Subsec. (a) (4). Act Sept. 1, 1954, § 6(a), added to last sentence "and to such furnishing * * * profits are improbable; or".

Subsec. (a) (6). Act Sept. 1, 1954, § 3(a), included synthetic rubber within exemptions.

Subsec. (a) (7). Act Sept. 1, 1954, § 5(a) (1), substituted "by reason of any paragraph, other than paragraph (8), of this subsection; or".

Subsec. (a) (8). Act Sept. 1, 1954, § 5(a) (2), added subsec. (a) (8).

Subsec. (c). Act Sept. 1, 1954, § 4 (a)—(c), made section applicable to prime contracts as well as subcontracts, and redefined "durable productive equipment".

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-634 applicable with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after Oct. 24, 1968, see section 105 of Pub. L. 90-634, set out as a note under section 1212 of this Appendix.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 8 (b) of act Aug. 1, 1956, provided that: "The amendment made by subsection (a) [to subsec. (a) (7)] shall apply only with respect to subcontracts made after June 30, 1956."

Section 9 (c) of act Aug. 1, 1956, provided that: "The amendments made by this section [to sections 1212 (e) and 1216 (e) of this Appendix] shall apply only with respect to fiscal years (as defined in section 103 (h) of such Act [section 1213 (h) of this Appendix]) ending after June 30, 1956."

EFFECTIVE DATE OF 1955 AMENDMENT

Section 3 (b) of act Aug. 3, 1955, provided that the amendment to subsec. (a) (8) should apply to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after Dec. 31, 1953.

Section 4 (b) of act Aug. 3, 1955, provided that the amendment to subsec. (a) (9) should apply only to contracts with the Departments made after Dec. 31, 1954.

Section 5 (b) of act Aug. 3, 1955, provided that the amendment to subsec. (c) (2) should apply only with respect to fiscal years (as defined in section 1213 (h) of this Appendix) ending on or after June 30, 1953.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 3 (b) of act Sept. 1, 1954, provided that the amendment of subsec. (a) (6) shall take effect as if it had been a part of the section where enacted on Mar. 23, 1951.

Section 4 (d) of act Sept. 1, 1954, provided that the amendment of subsec. (c) shall be effective for fiscal years ending on and after June 30, 1953.

Section 5 (b) of act Sept. 1, 1954, provided that the amendment of subsecs. (a) (7), (8) shall apply to contracts and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after Dec. 31, 1953.

Section 6 (b) of act Sept. 1, 1954, provided that the amendment of subsec. (a) (4) shall apply only with respect to fiscal years (as defined in section 1213(h) of this Appendix) ending on or after Dec. 31, 1953.

CHANGE OF NAME

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150-29, eff. July 9, 1953.

ABOLITION OF FEDERAL MARITIME BOARD

Section 304 of 1961 Reorg. Plan No. 7, effective Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, Government Organization and Employees, abolished the Federal Maritime Board, including the offices of the members of the Board. Functions of the Board were transferred either to the Federal Maritime Commission or to the Secretary of Commerce by sections 103 and 202 of 1961 Reorg. Plan No. 7.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Bureau of Internal Revenue, referred to in this section, is an agency in the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1215, 1217 to 1224 of this Appendix.

§ 1217. Renegotiation Board.

(a) Creation.

There is created, as an independent establishment in the executive branch of the Government, a Renegotiation Board to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. The Secretaries of the Army, the Navy, and the Air Force, respectively, subject to the approval of the Secretary of Defense, and the Administrator of General Services shall each recommend to the President, for his consideration, one person from civilian life to serve as a member of the Board. The President shall, at the time of appointment, designate one member to serve as Chairman. The Chairman shall receive compensation at the rate of $17,500 per annum, and the other members shall receive compensation at the rate of $15,000 per annum. No member shall actively engage in any business, vocation, or employment other than as a member of the Board. The Board shall have a seal which shall be judicially noticed.

(b) Places of meetings and quorum.

The principal office of the Board shall be in the District of Columbia, but it or any division thereof may meet and exercise its powers at any other place. The Board may establish such number of offices as it deems necessary to expedite the work of the Board. Three members of the Board shall constitute a quorum, and any power, function, or duty of the Board may be exercised or performed by a majority of the members present if the members present constitute at least a quorum.

(c) Personnel.

There shall be a General Counsel of the Renegotiation Board who shall be appointed by the Board without regard to the civil-service laws and regulations. The Board is authorized, subject to the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5] and the civil-service laws and regulations, to employ and fix the compensation of such officers and employees as it deems necessary to assist it in carrying out its duties under this title [sections 1211 to 1224 of this Appendix]. The Board may, with the consent of the head of the agency of the Government concerned, utilize the services of any officers or employees of the United States, and reimburse such agency for the services so utilized. Officers or employees whose services are so utilized shall not receive additional compensation for such services, but shall be allowed and paid necessary travel expenses and a per diem and lieu of subsistence in accordance with the Standardized Government Travel Regulations while away from their homes or official station on duties of the Board.

(d) Delegation of powers.

The Board may delegate in whole or in part any function, power, or duty (other than its power to promulgate regulations and rules and other than its power to grant permissive exemptions under section 106 (d) [section 1216 (d) of this Appendix]) to any agency of the Government, including any such agency established by the Board, and may authorize the successive redelegation, within limits specified by it, of any such function, power, or duty to any agency of the Government, including any such agency established by the Board. But no function, power, or duty shall be delegated or redelegated to any person pursuant to this subsection or subsection (f) [of this section] unless the Board has determined that such person (other than the Secretary of a Department) is responsible directly to the Board or to the person making such delegation or redelegation and is not engaged on behalf of any Department in the making of contracts for the procurement of supplies or services, or in the supervision of such activity; and any delegation or redelegation of any function, power, or duty pursuant to this subsection or subsection (f) of this section shall be revoked by the person making such delegation or redelegation (or by the Board if made by it) if the Board shall at any time thereafter determine that the person (other than the Secretary of a Department) to whom has been delegated or redelegated such function, power, or duty is not responsible directly to the Board or to

the person making such delegation or redelegation or is engaged on behalf of any Department in the making of contracts for the procurement of supplies or services, or in the supervision of such activity.

(e) Organization and operation of Board.

The Chairman of the Board may from time to time divide the Board into divisions of one or more members, assign the members of the Board thereto, and in case of a division of more than one member, designate the chief thereof. The Board may also, by regulations or otherwise, determine the character of cases to be conducted initially by the Board through an officer or officers of, or utilized by, the Board, the character of cases to be conducted initially by the various agencies of the Government authorized to exercise powers of the Board pursuant to subsection (d) of this section, the character of cases to be conducted initially by the various divisions of the Board, and the character of cases to be conducted initially by the Board itself. The Board may review any determination in any case not initially conducted by it, on its own motion or, in its discretion, at the request of any contractor or subcontractor aggrieved thereby. Unless the Board upon its own motion initiates a review of such determination within ninety days from the dtae of such determination, or at the request of the contractor or subcontractor made within ninety days from the date of such determination initiates a review of such determination within ninety days from the date of such request, such determination shall be deemed the determination of the Board. If such determination was made by an order with respect to which notice thereof was given by registered mail or by certified mail pursuant to section 105(a) [section 1215(a) of this Appendix], the Board shall give notice by registered mail or by certified mail to the contractor or subcontractor of its decision not to review the case. If the Board reviews any determination in any case not initially conducted by it and does not make an agreement with the contractor or subcontractor with respect to the elimination of excessive profits, it shall issue and enter an order under section 105(a) [section 1215(a) of this Appendix] determining the amount, if any, of excessive profits, and forthwith give notice thereof by registered mail or by certified mail to the contractor or subcontractor. The amount of excessive profits so determined upon review may be less than, equal to, or greater than, that determined by the agency of the Government whose action is so reviewed.

(f) Delegation of renegotiation functions to Board.

The Board is authorized and directed to accept and perform such renegotiation powers, duties, and functions as may be delegated to it under any other law requiring or permitting renegotiation, and the Board is further authorized to redelegate any such power, duty, or function to any agency of the Government and to authorize successive redelegations thereof, within limits specified by the Board. Notwithstanding any other provision of law, the Secretary of Defense is authorized to delegate to the Board, in whole or in part, the powers, functions, and duties conferred upon him by any other renegotiation law. (Mar. 23, 1951, ch. 15, title I, § 107, 65 Stat. 19; Aug. 1, 1956, ch. 821, § 10, 70 Stat. 791; July 13, 1959, Pub. L. 86-89, § 3, 73 Stat. 211; June 11, 1960, Pub. L. 86-507, § 1(40), 74 Stat. 202; Aug. 14, 1964, Pub. L. 88-426, title III, § 305(31), 78 Stat. 426.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (c), are classified generally to Title 5, Government Organization and Employees.

AMENDMENTS

1964—Subsec. (c). Pub. L. 88-426 repealed provisions which prescribed the compensation of the General Counsel.

1960—Subsec. (e). Pub. L. 86-507 inserted "or by certified mail" following "registered mail" in three instances.

1959—Subsec. (c). Pub. L. 86-89 provided for appointment, without regard to civil-service laws and regulations, and compensation of a general Counsel for the Renegotiation Board.

1956—Subsec. (c). Act Aug. 1, 1956, made employees of the Board subject to the civil-service laws and regulations.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of section by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

COMPENSATION OF MEMBERS OF RENEGOTIATION BOARD

Compensation of Chairman and members, see section 5316 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1216, 1218 to 1224 of this Appendix.

§ 1217a. Repealed. June 28, 1955, ch. 189, § 12 (c) (5), 69 Stat. 181.

Section, act Nov. 11, 1951, ch. 665, ch. V, § 501, 65 Stat., 763, authorized the Board to place not more than five positions in grades 16, 17, or 18 of the General Schedule established by the Classification Act of 1949.

§ 1218. Review by the Tax Court.

Any contractor or subcontractor aggrieved by an order of the Board determining the amount of excessive profits received or accrued by such contractor or subcontractor may—

(a) if the case was conducted initially by the Board itself—within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing under section 105(a) [section 1215(a) of this Appendix] of the notice of such order, or

(b) if the case was not conducted initially by the Board itself—within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing under section 107(e) [section 1217(e) of this Appendix] of the notice of the decision of the Board not to review the case or the notice of the order of the Board determining the amount of excessive profits,

file a petition with The Tax Court of the United States for a redetermination thereof. Upon such filing such court shall have exclusive jurisdiction, by order, to determine the amount, if any, of such excessive profits received or accrued by the contractor or subcontractor, and such determination shall not be reviewed or redetermined by any court or agency except as provided in section 108A [section 1218a of this Appendix]. The court may determine as the amount of excessive profits an amount either

less than, equal to, or greater than that determined by the Board. A proceeding before the Tax Court to finally determine the amount, if any, of excessive profits shall not be treated as a proceeding to review the determination of the Board, but shall be treated as a proceeding de novo. For the purposes of this section the court shall have the same powers and duties, insofar as applicable in respect of the contractor, the subcontractor, the Board, and the Secretary, and in respect of the attendance of witnesses and the production of papers, notice of hearings, hearings before divisions, review by the Tax Court of decisions of divisions, stenographic reporting, and reports of proceedings, as such court has under sections 1110, 1111, 1113, 1114, 1115 (a), 1116, 1117 (a), 1118, 1120, and 1121 of the Internal Revenue Code [Title 26, I.R.C. 1939] in the case of a proceeding to redetermine a deficiency. In the case of any witness for the Board, the fees and mileage, and the expenses of taking any deposition shall be paid out of appropriations of the Board available for that purpose, and in the case of any other witnesses shall be paid, subject to rules prescribed by the court, by the party at whose instance the witness appears or the deposition is taken. The filing of a petition under this section shall operate to stay the execution of the order of the Board under subsection (b) of section 105 [section 1215(b) of this Appendix] only if within ten days after the filing of the petition the petitioner files with the Tax Court a good and sufficient bond, approved by such court, in such amount as may be fixed by the court. Any amount collected by the United States under an order of the Board in excess of the amount found to be due under a determination of excessive profits by the Tax Court shall be refunded to the contractor or subcontractor with interest thereon at the rate of 4 per centum per annum from the date of collection by the United States to the date of refund. (Mar. 23, 1951, ch. 15, title I, § 108, 65 Stat. 21; Aug. 1, 1956, ch. 821, § 11(a), 70 Stat. 791; July 3, 1962, Pub. L. 87-520, § 2(b), 76 Stat. 134.)

AMENDMENTS

1962—Pub. L. 87-520, in the second sentence, deleted "finally" preceding "determine" and added the exception provision.

1956—Act Aug. 1, 1956, inserted the word "only" preceding "if within ten days after the filing of the petition".

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-520 applicable only with respect to cases in which the petition for redetermination is filed with the Tax Court after July 3, 1962, see section 2(d) of Pub. L. 87-520, set out as a note under section 1215 of this Appendix.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 11 (b) of act Aug. 1, 1956, provided that: "The amendment made by subsection (a) [to this section] shall be effective as of the date of the enactment of the Renegotiation Act of 1951 [March 23, 1951]."

CHANGE OF NAME

The name of the Tax Court of the United States, referred to in text, was changed to the United States Tax Court by Pub. L. 91-172, title IX, § 951 et seq., Dec. 30, 1969, 83 Stat 730, which changed the status of that Court to a constitutional court of record.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1217, 1219 to 1224 of this Appendix.

§ 1218a. Review of Tax Court decisions.

(a) Jurisdiction.

Except as provided in section 1254 of Title 28, the United States Courts of Appeals shall have exclusive jurisdiction to review decisions by the Tax Court of the United States under section 108 of this Act [section 1218 of this Appendix] in the same manner and to the same extent as decisions of the district courts in civil actions tried without a jury, except as otherwise provided in this section. In no case shall the question of the existence of excessive profits, or the extent thereof, be reviewed, and findings of fact by the Tax Court shall be conclusive unless such findings are arbitrary or capricious. The judgment of any such court shall be final except that it shall be subject to review, under the limitations herein provided for, by the Supreme Court of the United States upon certiorari, in the manner provided in section 1254 of Title 28.

(b) Powers.

Upon such review, such courts shall have only the power to affirm the decision of the Tax Court or to reverse such decision on questions of law and remand the case for such further action as justice may require, except that such court shall not reverse and remand the case for error of law which is immaterial to the decision of the Tax Court.

(c) Venue of appeals from Tax Court decisions.

A decision of the Tax Court of the United States under section 108 of this Act [section 1218 of this Appendix] may, to the extent subject to review, be reviewed by—

(1) the United States Court of Appeals for the circuit in which is located the office to which the contractor or subcontractor made his Federal income tax return for the taxable year which corresponds to the fiscal year with respect to which such decision of the Tax Court was made, or if no such return was made for such taxable year, then by the United States Court of Appeals for the District of Columbia, or

(2) any United States Court of Appeals designated by the Attorney General and the contractor or subcontractor by stipulation in writing.

(Mar. 23, 1951, ch. 15, title I, § 108A, as added Aug. 1, 1956, ch. 821, § 12, 70 Stat. 791, and amended July 3, 1962, Pub. L. 87-520, § 2(a), 76 Stat. 134.)

AMENDMENTS

1962—Pub. L. 87-520 designated existing provisions as subsec. (c) and added subsecs. (a) and (b).

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-520 applicable only with respect to cases in which the petition for redetermination is filed with the Tax Court after July 3, 1962, see section 2(d) of Pub. L. 87-520, set out as a note under section 1215 of this Appendix.

CHANGE OF NAME

The name of the Tax Court of the United States, referred to in text, was changed to the United States Tax Court by Pub. L. 91-172, title IX, § 951 et seq., Dec. 30, 1969, 83 Stat. 730, which changed the status of that Court to a constitutional court of record.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1218, 1219 to 1224 of this Appendix.

§ 1219. Rules and regulations.

The Board may make such rules, regulations, and orders as it deems necessary or appropriate to carry out the provisions of this title [sections 1211 to 1224 of this Appendix]. (Mar. 23, 1951, ch. 15, title I, § 109, 65 Stat. 22.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1218, 1220 to 1224 of this Appendix.

§ 1220. Compliance with regulations, etc.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this title [sections 1211 to 1224 of this Appendix], notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid. (Mar. 23, 1951, ch. 15, title I, § 110, 65 Stat. 22.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1219, 1221 to 1224 of this Appendix.

§ 1221. Application of Administrative Procedure Act.

The functions exercised under this title [sections 1211 to 1224 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [sections 551 et seq. and 701 et seq. of Title 5] except as to the requirements of section 3 thereof [section 552 of Title 5]. (Mar. 23, 1951, ch. 15, title I, § 111, 65 Stat. 22.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to sections 1211 to 1220, 1222 to 1224 of this Appendix.

§ 1222. Appropriations.

There are authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this title [sections 1211 to 1224 of this Appendix]. Funds made available for the purposes of this title [said sections] may be allocated or transferred for any of the purposes of this title [said sections] with the approval of the Bureau of the Budget to any agency of the Government designated to assist in carrying out this title [said sections]. Funds so allocated or transferred shall remain available for such period as may be specified in the Acts making such funds available. (Mar. 23, 1951, ch. 15, title I, § 112, 65 Stat. 22.)

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. ——, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1221, 1223, 1224 of this Appendix.

§ 1223. Prosecution of claims against United States by former personnel.

Nothing in sections 281 and 283 of Title 18, or in section 99 of Title 5 shall be deemed to prevent any person by reason of service in a Department or the Board from acting as counsel, agent, or attorney for prosecuting any claim against the United States: *Provided,* That such person shall not prosecute any claim against the United States (1) involving any subject matter directly connected with which such person was so employed, or (2) during the period such person is engaged in employment in a Department or the Board. (Mar. 23, 1951, ch. 15, title I, § 113, 65 Stat. 22; Aug. 1, 1956, ch. 821, § 13, 70 Stat. 792.)

REFERENCES IN TEXT

Section 99 of Title 5, referred to in text, was repealed by Pub. L. 87-849, § 3, Oct. 23, 1962, 76 Stat. 1126. For similar provision, see section 207 of Title 18, Crimes and Criminal Procedure.

Sections 281 and 283 of Title 18, referred to in text, were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126 except as they applied to retired officers of the armed forces of the United States. For provisions similar to sections 281 and 283, see sections 203 and 205, respectively, of Title 18, Crimes and Criminal Procedure, and notes thereunder.

AMENDMENTS

1956—Act Aug. 1, 1956, eliminated provisions which limited application of the section to persons who served in a Department or on the Renegotiation Board during the period (or a part thereof) beginning July 1, 1950, and ending Dec. 31, 1953.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1222, 1224 of this Appendix.

§ 1224. Reports to Congress.

The Board shall on or before January 1, 1957, and on or before January 1 of each year thereafter, submit to the Congress a complete report of its activities for the preceding year ending on June 30. Such report shall include—

(1) the number of persons in the employment of the Board during such year, and the places of their employment;

(2) the administrative expenses incurred by the Board during such year;

(3) statistical data relating to filings during such year by contractors and subcontractors, and to the conduct and disposition during such year of proceedings with respect to such filings and filings made during previous years;

(4) an explanation of the principal changes made by the Board during such year in its regulations and operating procedures;

(5) the number of renegotiation cases disposed of by the Tax Court, each United States Court of Appeals, and the Supreme Court during such year, and the number of cases pending in each such court at the close of such year; and

(6) such other information as the Board deems appropriate.

(Mar. 23, 1951, ch. 15, title I, § 114, as added Aug. 1, 1956, ch. 821, § 14, 70 Stat. 792.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1211 to 1223 of this Appendix.

TITLE II.—GENERAL PROVISIONS

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 22 section 2602.

§ 1231. Functions under World War II Renegotiation Act.

(a) Abolition of War Contracts Price Adjustment Board.

The War Contracts Price Adjustment Board, created by the Renegotiation Act [section 1191 of this Appendix], is abolished.

(b) Transfer of functions generally.

All powers, functions, and duties conferred upon the War Contracts Price Adjustment Board by the Renegotiation Act [section 1191 of this Appendix] and not otherwise specifically dealt with in this section are transferred to the Renegotiation Board.

(c) Amendment of the Renegotiation Act.

Subsection (a) (4) (D) of the Renegotiation Act [section 1191 (a) (4) (D) of this Appendix] is amended by inserting at the end thereof the following: "A net renegotiation rebate shall not be repaid unless a claim therefor has been filed with the Board on or before the date of its abolition, or unless a claim shall have been filed with the Administrator of General Services (i) on or before June 30, 1951, or (ii) within ninety days after the making of an agreement or the entry of an order under subsection (c) (1) [of this section] determining the amount of excessive profits, whichever is later. A claim shall be deemed to have been filed when received by the Board or the Administrator, whether or not accompanied by a statement of the Commissioner of Internal Revenue showing the amortization deduction allowed for the renegotiated year upon the recomputation made pursuant to section 124 (d) of the Internal Revenue Code [section 124(d) of Title 26, I.R.C. 1939]."

(d) Transfer of certain functions.

All powers, functions, and duties conferred upon the War Contracts Price Adjustment Board by subsection (a) (4) (D) of the Renegotiation Act, subject to the amendment thereof by subsection (c) of this section [section 1191 (a) (4) (D) of this Appendix], are transferred to the Administrator of General Services.

(e) Elimination of excessive profits by Departments; transfer of records.

Each Secretary of a Department is authorized and directed to eliminated the excessive profits determined under all existing renegotiation agreements or orders by the methods enumerated in subsection (c) (2) of the Renegotiation Act [section 1191 (c) (2) of this Appendix] in respect of all renegotiations conducted by his Department pursuant to delegations from the War Contracts Price Adjustment Board. The several Departments shall retain custody of the renegotiation case files covering renegotiations thus conducted for such time as the Secretary deems necessary for the purposes of this section, and thereafter they shall be made available to the Renegotiation Board for appropriate disposition. The renegotiation records of the War Contracts Price Adjustment Board shall become records of the Renegotiation Board on the effective date of this section.

(f) Refunds.

All refunds under subsection (a) (4) (D) of the Renegotiation Act [section 1191 (a) (4) (D) of this Appendix] (relating to the recomputation of the amortization deduction), all refunds under the last sentence of subsection (i) (3) of such Act [section 1191 (i) (3) of this Appendix] (relating to excess inventories), and all amounts finally adjudged or determined to have been erroneously collected by the United States pursuant to a determination of excess profits, with interest thereon in the last mentioned case at a rate not to exceed 4 per centum per annum as may be determined by the Administrator of General Services or his duly authorized representative computed to the date of certification to the Treasury Department for payment, shall be certified by the Administrator of General Services or his duly authorized representative to the Treasury Department for payment from such appropriations as may be available therefor: *Provided,* That such refunds shall be based solely on the certificate of the Administrator of General Services or his duly authorized representative.

(g) Existing policies, procedures, etc., to remain in effect.

All policies, procedures, directives, and delegations of authority prescribed or issued (1) by the War Contracts Price Adjustment Board, or (2) by any Secretary or other duly authorized officer of the Government, under the authority of the Renegotiation Act [section 1191 of this Appendix], in effect upon the effective date of this section and not inconsistent herewith, shall remain in full force and effect unless and until superseded, or except as they may be amended, under the authority of this section or any other appropriate authority. All functions, powers, and responsibilities transferred by this section shall be accompanied by the authority to issue appropriate regulations and procedures, or to modify existing procedures, in respect of such powers, functions, and responsibilities.

(h) Savings provision.

This section shall not be construed (1) to prohibit disbursements authorized by the War Contracts Price Adjustment Board and certified pursuant to its authority prior to the effective date of this section, (2) to affect the validity or finality of any agreement or order made or issued pursuant to law by the War Contracts Price Adjustment Board or pursuant to delegations of authority from it, or (3) to prejudice or to abate any action taken or any right accruing or accrued or any suit or proceeding had or commenced in any civil cause; but any court having on its docket a case to which the War Contracts Price Adjustment Board is a party, on motion or supplemental petition filed at any time within four years after the effective date of this section, showing a necessity for the survival of such suit, action, or other proceeding to obtain a determination of the questions involved, may allow the same to be maintained by or against the United States. If any such case has been dismissed by any court for

failure to substitute for the War Contracts Price Adjustment Board prior to the effective date of this sentence, such case is revived and reinstated in such court as if it had not been dismissed.

(i) Renegotiation Act not repealed.

Except as by this Act [sections 1211 to 1233 of this Appendix] specifically amended or modified, all provisions of the Renegotiation Act [section 1191 of this Appendix] shall remain in full force and effect.

(j) Definitions.

The terms which are defined in the Renegotiation Act shall, when used in this section, have the same meaning as when used in the Renegotiation Act [section 1191 of this Appendix], except that where a renegotiation function has been transferred by or pursuant to law the terms "Secretary" or "Secretaries" and "Department" or "Departments" shall be understood to refer to the successors in function to those officers or offices specifically named in the Renegotiation Act [section 1191 of this Appendix].

(k) Effective date.

This section shall take effect sixty days after the date of the enactment of this Act [March 23, 1951]. (Mar. 23, 1951, ch. 15, title II, § 201, 65 Stat. 23; July 17, 1952, ch. 924, § 3, 66 Stat. 753; Sept. 1, 1954, ch. 1209, § 8, 68 Stat. 1118.)

REFERENCES IN TEXT

Effective date of this section, referred to in subsecs. (e), (g), (h) and (k), occurred sixty days after Mar. 23, 1951, as provided by subsec. (k).

AMENDMENTS

1954—Subsec. (h). Act Sept. 1, 1954, extended provisions for two years and reinstated cases dismissed on the technicality that the United States had not been substituted for "The" War Contracts Price Adjustment Board.

1952—Subsec. (h). Act July 17, 1952, extended for an additional year the term during which a litigant may substitute a new defendant for the War Contracts Price Adjustment Board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1215 of this Appendix.

§ 1232. Period of limitations for Renegotiation Act of 1948.

No proceeding under the Renegotiation Act of 1948 [section 1193 of this Appendix] to determine the amount of excessive profits for any fiscal year shall be commenced more than one year after the mandatory statement required by the regulations issued pursuant to such Act [section 1193 of this Appendix] is filed with respect to such year, or more than six months after the date of the enactment of this title [March 23, 1951], whichever is the later, and if such proceeding is not so commenced (in the manner provided by the regulations prescribed pursuant to such Act [section 1193 of this Appendix]), all liabilities of the contractor or subcontractor under such Act [section 1193 of this Appendix] for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits under such Act [section 1193 of this Appendix] is not made within two years following the commencement of the renegotiation proceeding, then upon the expiration of such two years all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (1) such two-year period may be extended by mutual agreement, and (2) if within such two years such an order is duly issued pursuant to such Act [section 1193 of this Appendix], such two-year limitation shall not apply to the review of such order by any renegotiation board duly authorized to undertake such review. (Mar. 23, 1951, ch. 15, title II, § 202, 65 Stat. 24.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1215, 1231 of this Appendix.

§ 1233. Amendment of section 3806 of Title 26.

Section 3806 (a) (1) of the Internal Revenue Code [section 3806(a)(1) of Title 26, I.R.C. 1939] is amended by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

"(A) The term 'renegotiation' includes any transaction which is a renegotiation within the meaning of the Federal renegotiation act applicable to such transaction, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

"(B) The term 'excessive profits' includes any amount which constitutes excessive profits within the meaning assigned to such term by the applicable Federal renegotiation act, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

"(C) The term 'subcontract' includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by the applicable Federal renegotiation act.

"(D) The term 'Federal renegotiation act' includes section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended or supplemented [section 1191 of this Appendix], the Renegotiation Act of 1948, as amended or supplemented [section 1193 of this Appendix], and the Renegotiation Act of 1951, as amended or supplemented [sections 1211—1233 of this Appendix]." (Mar. 23, 1951, ch. 15, title II, § 203, 65 Stat. 25.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1215, 1231 of this Appendix.

NATIONAL EMERGENCY AND WAR SHIPPING ACTS

Sec.

ACT JUNE 11, 1940

1251. Repealed.

ACT MAY 2, 1941

1261 to 1263. Repealed.

ACT JUNE 6, 1941

1271 to 1275. Omitted.

ACT JULY 14, 1941

1281 to 1286. Repealed.

ACT MAR. 24, 1943

Sec.
1291. Rights of American seamen on privately owned and operated American vessels extended to seamen employed through the War Shipping Administration; exceptions; definitions.
1292. Insurance awards by War Shipping Administrator; findings and actions as conclusive.
1293. Payment of compensation; insurance.
1294. United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels.
1295. Termination of section 1291 (a); authority of United States Maritime Commission vested in Administrator of War Shipping Administration.

ACT APR. 29, 1943

1301 to 1305. Repealed.

ACT AUG. 10, 1946

1306 to 1308. Repealed.

ACT JULY 9, 1943

1311, 1312. Omitted.

CROSS REFERENCES

Jurisdiction of prizes taken during war, see sections 7651—7653, 7655, 7663, 7676, and 7681 of Title 10, Armed Forces.

Medals, insignia and decorations for merchant seamen, see sections 249—249c of Title 46, Shipping.

ACT JUNE 11, 1940, CH. 327, 54 STAT. 306

§ 1251. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Section, acts June 11, 1940, ch. 327, 54 Stat. 306; May 2, 1941, ch. 84, § 1, 55 Stat. 148; June 16, 1942, ch. 416, 56 Stat. 370, related to determination of foreign construction costs of vessels.

ACT MAY 2, 1941, CH. 84, 55 STAT. 148

§§ 1261, 1262. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Sections, acts May 2, 1941, ch. 84, §§ 2, 3, 55 Stat. 148, 149; June 16, 1942, ch. 416, 56 Stat. 370, authorized United States Maritime Commission to negotiate contracts without advertisement or bids and to charter Commission's vessels to private operators for foreign trade until six months after end of World War II.

§ 1263. Repealed. May 7, 1943, ch. 93, § 5, 57 Stat. 77.

Section, acts May 2, 1941, ch. 84, § 4, 55 Stat. 150; June 16, 1942, ch. 416, 56 Stat. 370, related to working hours and overtime pay of United States Maritime Commission ship construction and other employees.

ACT JUNE 6, 1941, CH. 174, 55 STAT. 242

§§ 1271 to 1275. Omitted.

CODIFICATION

Section 1271, acts June 6, 1941, ch. 174, § 1, 55 Stat. 242; June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3(a), 57 Stat. 48, related to purchase, requisition, etc., of foreign vessels authorized during national emergency and compensation, expired on July 1, 1953, and is now covered on a permanent basis by section 196 of Title 50, War and National Defense.

Section 1272, acts June 6, 1941, ch. 174, § 2, 55 Stat. 243; June 16, 1942, ch. 416, 56 Stat. 370, related to availability of appropriations for carrying out provisions of section 1271—1275 of this Appendix, expired on July 1, 1953.

Section 1273, acts June 6, 1941, ch. 174, § 3, 55 Stat. 243; June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3(j), 57 Stat. 51, related to charter of domestic and foreign vessels, expired on July 1, 1953, and is now covered on a permanent basis by sections 197 and 198 of Title 50, War and National Defense.

Section 1274, acts June 6. 1942, ch. 174, § 4, 55 Stat. 244; June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3(k), 57 Stat. 51, related to purchase of domestic or foreign vessels, expired on July 1, 1953, and is now covered on a permanent basis by sections 197 and 198 of Title 50, War and National Defense.

Section 1275, acts June 6, 1941, ch. 174, § 5, 55 Stat. 244; June 16, 1942, ch. 416, 56 Stat. 370, related to documentation of vessels requisitioned, purchased, etc., expired on July 1, 1953, and is now covered on a permanent basis by section 198 of Title 50, War and National Defense.

Ex. Ord. No. 9848, May 8, 1947, 12 F.R. 3059, and Ex. Ord. No. 8869, Aug. 23, 1941, 6 F.R. 4351, related to the administration of former sections 1271—1275 of this Appendix.

ACT JULY 14, 1941, CH. 297, 55 STAT. 591

§§ 1281 to 1286. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

Sections, act July 14, 1941, ch. 297, §§ 1—6, 55 Stat. 591; June 16, 1942, ch. 416, 56 Stat. 370, constituted the Merchant Ship Priorities Act, which governed priorities in transportation by merchant vessels during the national emergency.

EXTENSION OF TERMINATION DATE

Prior to repeal, these sections had been extended until six months after termination of World War II by Joint Res. June 16, 1942, ch. 416, 56 Stat. 370.

ACT MAR. 24, 1943, CH. 26, 57 STAT. 45

§ 1291. Rights of American seamen on privately owned and operated American vessels extended to seamen employed through the War Shipping Administration; exceptions; definitions.

(a) Officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act [chapter 7 of Title 42], as amended by subsection (b) (2) and (3) of this section; (2) death, injuries, illness, maintenance and cure, loss of effects, detention, or repatriation, or claims arising therefrom not covered by the foregoing clause (1); and (3) collection of wages and bonuses and making of allotments, have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. Such seamen, because of the temporary wartime character of their employment by the War Shipping Administration, shall not be considered as officers or employees of the United States for the purposes of the United States Employees Compensation Act, as amended [section 8101 et seq. of Title 5]; the Civil Service Retirement Act, as amended [section 8331 et seq. of Title 5]; the Act of Congress approved March 7, 1942 (Public Law 490, Seventy-seventh Congress) [sections 1001—1012, 1013—1016 of this Appendix; Title 5, former §§ 691, 693, 715; former Title 34, § 943]; or the Act entitled "An Act to provide benefits for the injury, disability, death, or detention of employees of contractors with the United States and certain other persons or reimbursement therefor", approved December 2, 1942 (Public Law 784, Seventy-seventh Congress) [section 1701 et seq. of Title 42]. Claims arising under clause (1) hereof shall be enforced if the seaman were employed on a privately owned and operated American vessel. Any claim referred to in clause (2) or (3) hereof shall, if administratively disallowed in whole or in part, be enforced pursuant to the provisions of

the Suits in Admiralty Act [section 741 et seq. of Title 46], notwithstanding the vessel on which the seaman is employed is not a merchant vessel within the meaning of such Act [said sections]. Any claim, right, or cause of action of or in respect of any such seaman accuring on or after October 1, 1941, and prior to the date of enactment of this section may be enforced, and upon the election of the seaman or his surviving dependent or beneficiary, or his legal representative to do shall be governed, as if this section had been in effect when such claim, right, or cause of action accrued, such election to be made in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration. Rights of any seaman under the Social Security Act [chapter 7 of Title 42], as amended by subsection (b) (2) and (3), and claims therefor shall be governed solely by the provisions of such Act, so amended. When used in this subsection the term "administratively disallowed" means a denial of a written claim in accordance with rules or regulations prescribed by the Administrator, War Shipping Administration. When used in this subsection the terms "War Shipping Administration" and "Administrator, War Shipping Administration" shall be deemed to include the United States Maritime Commission with respect to the period beginning October 1, 1941, and ending February 11, 1942, and the term "seaman" shall be deemed to include any seaman employed as an employee of the United States through the War Shipping Administration on vessels made available to or subchartered to other agencies or departments of the United States.

(b) (1) Section 1426 of the Internal Revenue Code (53 Stat. 177, 1383; 26 U.S.C., I.R.C. 1939, § 1426) is amended by adding at the end thereof the following new subsection:

"(*i*) *Officers and Members of Crews Employed by War Shipping Administration.*—The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration, or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration. The term 'wages' means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator, War Shipping Administration, to be paid for such service. The Administrator and such agents as he may designate for the purpose are authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection, but the Administrator and his agents shall not be liable for the tax on any employee imposed by section 1400 (unless the Administrator or his agent collects such tax from the employee) with respect to service performed before the date of enactment of this subsection which constitutes employment by reason of the enactment of this subsection. The Administrator, War Shipping Administration, and the United States Maritime Commission, and their agents or persons acting on their behalf or for their account, may, for convenience of administration, make payments of the tax imposed under section 1410 without regard to the $3,000 liimtation in section 1426 (a) (1), but they shall not be required to obtain a refund of the tax paid under section 1410 on that part of the remuneration of seamen in their employ not included in wages by reason of section 1426 (a) (1)."

(2) Section 209 of the Social Security Act, as amended (U. S. C., title 42, sec. 409), is amended by adding at the end thereof the following new subsection:

"(*o*) (*1*) *Officers and Members of Crews Employed by War Shipping Administration.*—The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect to such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration.

"(2) The Federal Security Administrator shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code [section 1426 (i) of Title 26, I.R.C. 1939] and certifications made pursuant to this subsection. Such determination shall be final and conclusive.

"(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Federal Security Administrator, to make certification to it with respect to any matter determinable for the Federal Security Administrator by the War Shipping Administration under this subsection, which the Federal Security Administrator finds necessary in administering this title.

"(4) This subsection shall be effective as of September 30, 1941."

(3) Section 907 of the Social Security Act Amendments of 1939 is amended by inserting after the phrase "attaining age sixty-five," the following: "and 1 per centum of any wages paid him for services which constitute employment by virtue of subsection (o) of section 209 of the Social Security Act, as amended [Title 42, § 409],".

(c) The War Shipping Administration and its agents or persons acting on its behalf or for its account may, for convenience of administration, with the approval of the Administrator, make payments of any taxes, fees, charges, or exactions to the United States or its agencies. (Mar. 24, 1943, ch. 26, § 1, 57 Stat. 45; Apr. 4, 1944, ch. 161, §§ 1, 2, 58 Stat. 188; Mar. 24, 1945, ch. 36, § 1 (a), 59 Stat. 38; 1946 Reorg. Plan No. 2, § 4, eff. July 16, 1946, 11 F. R. 7873, 60 Stat. 1095.)

REFERENCES IN TEXT

Title I of the First War Powers Act, 1941, referred to in subsec. (b) (1), (2), is classified to sections 601—605 of this Appendix. For termination of those sections at end of six-month period following termination of World War II, or at such earlier time as Congress or the President may designate, see section 621 of this Appendix, and for termination of state of war, see notes preceding section 1 of this Appendix.

AMENDMENTS

1945—Subsec. (b) (1). Act Mar. 24, 1945, added last sentence.

1944—Subsec. (b) (1). Act Apr. 4, 1944, § 1, inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of first sentence of section.

Subsec. (b) (2). Act Apr. 4, 1944, § 2, inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of subd. (1).

EFFECTIVE DATE

Subsec. (b) of section 1 of act Mar. 24, 1945, provided that amendment shall be effective as if made by section 1 of act Mar. 24, 1943.

TRANSFER OF FUNCTIONS

"Federal Security Administrator" was substituted for "Social Security Board" and "Board" wherever appearing in subsec. (b) (2) by 1946 Reorg. Plan No. 2, § 4. See note under section 902 of Title 42, Public Health and Welfare.

ABOLISHMENT OF UNITED STATES MARITIME COMMISSION AND TRANSFER OF FUNCTIONS

The United States Maritime Commission was abolished by 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees which transferred part of its functions and part of the functions of its Chairman to the Federal Maritime Board and the Chairman thereof, that Board having been created by that Plan as an agency within the Department of Commerce with an independent status in some respects, and transferred the remainder of that Commission's functions and the functions of its Chairman to the Secretary of Commerce, with power vested in the Secretary to authorize their performance by the Maritime Administrator, the head of the Maritime Administration, which likewise was established by the Plan in the Department of Commerce with the provision that the Chairman of the Federal Maritime Board should, ex officio, be that Administrator. The Federal Maritime Board, in turn, was abolished by 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, which created the Federal Maritime Commission and transferred to it and to the Secretary of Commerce the functions formerly performed by the Board.

TERMINATION OF WAR SHIPPING ADMINISTRATION

Section 202 of act July 8, 1946, ch. 543, title II, 60 Stat. 501, terminated the War Shipping Administration as of Sept. 1, 1946, and transferred all functions, powers, duties, etc., to the United States Maritime Commission for the period from Sept. 1, 1946 to Dec. 31, 1946, for the purpose of liquidating the Administration.

VESSEL OPERATIONS UNDER REVOLVING FUND

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of subsecs. (a) and (c) of this section to, see section 1241a of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5541; title 46 section 1241a.

§ 1292. Insurance awards by War Shipping Administrators; findings and actions as conclusive.

(a) Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

(b) Whenever the Administrator, War Shipping Administration, finds that, on or after October 1, 1941, and before thirty days after the date of enactment of this subsection, a master, officer, or member of the crew of, or any persons transported on a vessel owned by or chartered to the Maritime Commission, the War Shipping Administration, or the War Department or operated by, or for the account of, or at the direction or under the control of the Commission, the Administration, or the War Department, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended by this Act [former sections 1128 to 1128h of Title 46], the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided,* That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said Subtitle—Insurance of title II, as amended: *Provided further,* That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. There shall be no recovery of any money paid on account of insurance provided for the master, officers, or members of the crew of, or individuals transported on, any vessel under this subsection or under Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended, from any person who in the judgment of the Administrator, War Shipping Administration, is without fault, and when in the judgment of the Administrator such recovery would defeat the purposes of benefits otherwise authorized or would be against equity and good conscience. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive.

(c) The Administrator, War Shipping Administration, is also authorized to make payments, in accordance with rate schedules provided by the United States Employees' Compensation Act [section 8101 et seq. of Title 5], to a master, officer, or member of the crew of, or any persons transported on, a vessel

owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, for permanent total or partial disability as long as such disability resulting from causes related to the war effort whether heretofore or hereafter arising exists; such payments to commence if and when insurance benefits provided by the War Shipping Administration for such person shall have been exhausted.

(d) The War Shipping Administration shall have the right of intervention and a lien and right of recovery in the cases and to the extent of any payments paid and payable under this section or under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended [former sections 1128 to 1128h of Title 46], in the manner provided in the last paragraph of subsection (c) of section 105 of the Act approved December 2, 1942 (Public Law 784, 77th Congress; 42 U.S.C., sec. 1701), as amended by Public Law 216, 78th Congress, approved December 23, 1943. Any amounts recovered under this provision shall be covered into the Marine and War-risk insurance fund, War Shipping Administration. (Mar. 24, 1943, ch. 26, § 2, 57 Stat. 47; Sept. 30, 1944, ch. 451, 58 Stat. 758; Aug. 8, 1946, ch. 905, 60 Stat. 937; July 25, 1947, ch. 327, § 1, 61 Stat. 449.)

AMENDMENTS

1947—Subsec. (a). Act July 25, 1947, repealed subsec. (a), which amended former section 1128a of Title 46, Shipping.

1946—Subsec. (b). Act Aug. 8, 1946, made section applicable to employees of the War Department.

1944—Subsec. (b). Act Sept. 30, 1944, inserted sentence beginning "There shall be no".

Subsecs. (c) and (d). Act Sept. 30, 1944, added subsecs. (c) and (d).

EFFECTIVE DATE

Section 1 of act of Aug. 8, 1946, provided in part that this section shall become effective as of Mar. 24, 1943.

TERMINATION OF THE WAR SHIPPING ADMINISTRATION

Section 202 of act July 8, 1946, ch. 543, title II, 60 Stat. 501, terminated the War Shipping Administration as of Sept. 1, 1946, and transferred all functions, powers, duties, etc. to the United States Maritime Commission for the period from Sept. 1, 1946, to Dec. 31, 1946, for the purpose of liquidating the Administration.

§ 1293. Payment of compensation; insurance.

(a) The second proviso of section 1 of the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), as amended [former section 1271 of this Appendix], is amended to read as follows: *"Provided further,* That such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisition or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act [section 742 of Title 46] and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction."

(b) Expired.

(c) In the event that a vessel the title or use and possession of which is requisitioned or taken pursuant to section 902 of the Merchant Marine Act, 1936, as amended [section 1242 of Title 46], or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress) [former sections 1271 to 1275 of this Appendix], is in the custody of any court, State or Federal, it shall be the duty of all agents and officers of the court having possession, custody, or control of said vessel, forthwith upon the filing with the clerk of said court of a certified copy of the order of requisitioning or taking, and without further order of the court, to comply with said requisitioning or taking and to permit the representatives of the United States Maritime Commission or the War Shipping Administration, as the case may be, to take possession, custody, and control of said vessel.

(d) Section 902 of the Merchant Marine Act, 1936, as amended [section 1242 of Title 46], is amended by adding at the end of subsection (d) thereof a paragraph to read as follows:

"The existence of any valid claim by way of mortgage or maritime claim or attachment lien upon such vessel shall not prevent the taking thereof pursuant to this section: *Provided, however,* That in the event any such claim exists the United States Maritime Commission may in its discretion deposit such portion of the compensation hereunder, or advances on account thereof, as may equal but not exceed the amount of such claims in respect of the vessel, with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the

Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act [section 742 of Title 46] and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction."

(e) to (i) Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

(j) The clause in parentheses in the first sentence of section 3 (b) of the Act of June 6, 1941, as amended (Public Law 101, Seventy-seventh Congress) [former section 1273 of this Appendix], is amended to read as follows: "(including any interest or liability of the owner, charterer, or agent)".

(k) The second sentence of section 4 of such Act of June 6, 1941 [former section 1274 of this Appendix], is amended by inserting after the words "national defense" and before the semicolon a comma and the following: "and when so chartered or operated may be insured as provided in said section 3". (Mar. 24, 1943, ch. 26, § 3, 57 Stat. 48; July 25, 1947, ch. 327, § 1, 61 Stat. 449.)

CODIFICATION

Subsec. (b). Act Mar. 24, 1943, dealing with power of War Shipping Administrator to determine whether a vessel was required by United States, expired with the termination on Sept. 1, 1946, of War Shipping Administration, as set forth in note under sections 1291 and 1292 of this Appendix.

Subsecs. (e—i). Act Mar. 24, 1943, amended former sections 1128b—1128e and 1128h of Title 46, Shipping, by providing compensation for servicing insurance, placing 5% limitation on commissions, for action in nature of bill of interpleader against interested persons, defining risks of war, and reinsurance of insurance companies.

ABOLISHMENT OF UNITED STATES MARITIME COMMISSION AND TRANSFER OF FUNCTIONS

The United States Maritime Commission was abolished by 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, which transferred part of its functions and part of the functions of its Chairman to the Federal Maritime Board and the Chairman thereof, that Board having been created by that Plan as an agency within the Department of Commerce with an independent status in some respects, and transferred the remainder of that Commission's functions and the functions of its Chairman to the Secretary of Commerce, with power vested in the Secretary to authorize their performance by the Maritime Administrator, the head of the Maritime Administration, which likewise was established by the Plan in the Department of Commerce with the provision that the chairman of the Federal Maritime Board should, ex officio, be that Administrator. The Federal Maritime Board, in turn, was abolished by 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, which created the Federal Maritime Commission and transferred to it and to the Secretary of Commerce the functions formerly performed by the Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

TERMINATION OF WAR SHIPPING ADMINISTRATION

For termination of War Shipping Administration on Sept. 1, 1946, see note set out under sections 1291, 1292 of this Appendix.

VESSEL OPERATIONS UNDER REVOLVING FUND

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of subsec. (c) of this section to, see section 1241a of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 1241a.

§ 1294. United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels.

The United States shall, with respect to vessels owned by or chartered to the War Shipping Administrator under bareboat charter or time charter or operated directly by such Administrator or for his account, be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners of vessels. With respect to any such vessel, the term "the United States" shall include agents or other persons acting for or on behalf of the Administrator in connection with the operation thereof. (Mar. 24, 1943, ch. 26, § 4, 57 Stat. 51.)

TERMINATION OF WAR SHIPPING ADMINISTRATION

Termination of War Shipping Administration on Sept. 1, 1946, see note under section 1291 of this Appendix.

VESSEL OPERATIONS UNDER REVOLVING FUND

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of this section to, see section 1241a of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 1241a.

§ 1295. Termination of section 1291 (a); authority of United States Maritime Commission vested in Administrator of War Shipping Administration.

CODIFICATION

Section, act Mar. 24, 1943, ch. 26, § 5, 57 Stat. 51, which provided that section 1291 (a) of this Appendix should remain in force until termination of sections 601—605 of this Appendix by section 621 of this Appendix, expired with the termination on Sept. 1, 1946 of War Shipping Administration, as set forth in note under section 1291 of this Appendix.

ACT APR. 29, 1943, CH. 81, 57 STAT. 69

§§ 1301 to 1305. Repealed. Aug. 13, 1954, ch. 725, § 1 (a), 68 Stat. 701.

Section 1301, acts Apr. 29, 1943, ch. 81, § 1, 57 Stat. 69; May 18, 1944, ch. 199, § 1, 58 Stat. 223, related to return of fishing vessels, vessels of 100 tons or less and Great Lakes vessels to private owners.

Section 1302, acts Apr. 29, 1943, ch. 81, § 2, 57 Stat. 69; May 18, 1944, ch. 199, § 2, 58 Stat. 223, related to determination of availability of vessels mentioned in section 1301 of this Appendix, repayment of compensation to the United States.

Section 1303, acts Apr. 29, 1943, ch. 81, § 3, 57 Stat. 69; May 18, 1944, ch. 199, § 3, 58 Stat. 244; Aug. 10, 1946, ch. 948, 60 Stat. 976, related to failure or waiver of return rights, sale of vessels.

Section 1304, acts Apr. 29, 1943, ch. 81, § 4, 57 Stat. 70; May 18, 1944, ch. 199, § 4, 58 Stat. 224, related to payment of expenses incurred by the War Shipping Administration in return or sale of vessels.

Section 1305, act Apr. 29, 1943, ch. 81, § 5, as added Aug. 10, 1946, ch. 948, 60 Stat. 976, related to vessels for exclusive disposal to veterans.

SAVINGS PROVISION

See note under sections 1306—1308 of this Appendix.

ACT AUG. 10, 1946, CH. 949, 60 STAT. 977

§§ 1306 to 1308. Repealed. Aug. 13, 1954, ch. 725, § 1 (b), 68 Stat. 701.

Section 1306, act Aug. 10, 1946, ch. 949, § 1, 60 Stat. 977, related to sale of surplus vessels for fishing.

Section 1307, act Aug. 10, 1946, ch. 949, § 2, 60 Stat. 977, related to definitions of terms used in sections 1306—1308 of this Appendix and rights of former owners.

Section 1308, act Aug. 10, 1946, ch. 949, § 3, 60 Stat. 977, related to terms of sale of vessels and other methods of disposal.

SAVINGS PROVISION

Section 1 (b) of Joint Res. Aug. 13, 1954, provided in part that: "Notwithstanding the enactment of this joint resolution, the aforesaid statutory provisions shall apply to any vessels which prior to such enactment have been declared available for return to former owners by notice to the Department of Commerce under the Act of April 29, 1943, as amended [former sections 1301—1305 of this Appendix], or determined to be surplus for sale to former owners of fishing vessels in accordance with the Act of August 10, 1946 (Public Law 717, Seventy-ninth Congress) [these former sections]. Any other vessels which, but for the enactment of this joint resolution, would be disposed of in accordance with any of the aforesaid statutory provisions, shall be disposed of in accordance with the provisions of other existing laws."

ACT JULY 9, 1943, CH. 212, 57 STAT. 391

§§ 1311, 1312. Omitted.

CODIFICATION

Sections, act July 9, 1943, ch. 212, §§ 1, 2, 57 Stat. 391, creating penalty for violation of regulations or orders relating to protection of vessels, harbors, ports, or waterfront facilities and providing for termination thereof six months after cessation of hostilities in World War II expired six months after the cessation of hostilities which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, 12 F. R. 1, set out as note under section 601 of this Appendix.

FARM LABOR SUPPLY APPROPRIATION ACT, 1944

ACT FEB. 14, 1944, CH. 16, 58 STAT. 11

§§ 1351 to 1355. Omitted.

CODIFICATION

Sections, act Feb. 14, 1944, ch. 16, title I, §§ 1—5, 58 Stat. 11—14, relating to the supplying of additional farm workers for the production and harvesting of agricultural commodities essential to the war effort, expired on Jan. 30, 1948 under the provisions of act May 26, 1947, ch. 82, title I, § 101, 61 Stat. 109.

Section 1355 amended by act Apr. 1, 1944, ch. 152, title I, § 101, 58 Stat. 157.

Section 1355 amended by acts June 30, 1947, ch. 165, 61 Stat. 202; Apr. 25, 1945, ch. 95, title I, § 101, 59 Stat. 80.

EXTENSION AND LIQUIDATION OF PROGRAM

Acts May 26, 1947, ch. 82, title I, § 101, 61 Stat. 109; Apr. 28, 1947, ch. 43, 61 Stat. 55; Aug. 9, 1946, ch. 934, 60 Stat. 617, provided in part that the funds as provided and supplemented for carrying out the purposes of sections 1351—1355 of this Appendix were continued available until Jan. 30, 1948 which allowed for a six months extension and final liquidation of the program.

ADDITIONAL APPROPRIATION

Additional funds were authorized to be merged with available funds as follows:

1947—$3,000,000—Act May 26, 1947, ch. 82, title I, § 101. 61 Stat. 109.

1946—$12,000,000—Act July 23, 1946, ch. 591, title I, § 101, 60 Stat. 617.

1945—$25,000,000—Act Dec. 28, 1945, ch. 589, title I, § 101, 59 Stat. 632.

1944—$20,000,000—Act Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 862.

FARM LABOR ACT OF 1943

Act Apr. 29, 1943, ch. 82, §§ 1—5, 57 Stat. 70, as amended June 9, 1943, ch. 119, 57 Stat. 125; Dec. 23, 1943, ch. 381, § 1, 57 Stat. 643, provided for the supplying of additional farm workers for the production and harvesting of agricultural commodities essential to the war effort, and was superseded by act Feb. 14, 1944, ch. 16, title I, §§ 1—5, 58 Stat. 11–14. Section 3 of act Apr. 29, 1943, ch. 82, 57 Stat. 70, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

WAR OVERTIME PAY ACT OF 1943

ACT MAY 7, 1943, CH. 93, 57 STAT. 75

§§ 1401 to 1415. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651, 652.

Sections, acts May 7, 1943, ch. 93, §§ 1—15, 57 Stat. 75—78 related to war overtime pay of certain civilian officers and employees during World War II. Former section 1403 of this Appendix was amended by act Sept. 30 1944. ch. 450, 58 Stat. 758.

WAIVER OF RESTRICTIONS

Act Apr. 1, 1944, ch. 152, title II, § 202, 58 Stat. 176, related to waiver of restrictions in appropriations limiting amounts payable for personal services to meet cost of overtime and additional compensation authorized by sections 1401—1415 of this Appendix.

BASIC RATE FOR OVERTIME COMPENSATION

Act Apr. 1, 1944, ch. 152, title II, § 203, 58 Stat. 176, provided that the basic rate for overtime compensation should be one and one-half times basic rate for work performed in excess of forty hours per week.

TRAINING OF NURSES THROUGH GRANTS TO INSTITUTIONS

ACT JUNE 15, 1943, CH. 126, 57 STAT. 153

§§ 1451 to 1462. Omitted.

CODIFICATION

Sections 1451—1462, act June 15, 1943, ch. 126, §§ 1—12, 57 Stat. 153—155, relating to training of nurses for armed forces, hospitals, health agencies and war industries, terminated under the provisions of section 1460, on the termination of hostilities of World War II, proclaimed at 12 o'clock noon of Dec. 31, 1946, by Proc. No. 2714, set out As note under section 601 of this Appendix. Act June 15, 1943, ch. 126, § 9, 57 Stat. 155, formerly classified to section 1459 of this Appendix, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1457 amended by act Mar. 4, 1944, ch. 83, 58 Stat. 112.

Sections 1461 and 1462 added as sections 11 and 12, respectively, of act June 15, 1943 by act Mar. 4, 1944, ch. 83, 58 Stat. 112.

TERMINATION OF APPROPRIATIONS

Section 803 of the Labor-Federal Security Appropriation Act of 1946, act July 3, 1945, ch. 263, 59 Stat. 383, provided that no part of any appropriation for training of defense workers contained in said act should be available for obligation longer than 60 days after cessation of hostilities of World War II, which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, set out as note under section 601 of this Appendix.

MERGER OF APPROPRIATIONS

The Federal Security Agency Appropriation Act, 1948, act July 8, 1947, ch. 210, title II, § 201, 61 Stat. 270, provided in part that the appropriation contained therein for the training of nurses under sections 1451—1460 of this Appendix was available for transfer and consolidation with the appropriations of St. Elizabeth and Freedmen's Hospitals to cover cost of items furnished to student nurses in training.

Similar provisions were carried in the following acts:
1946—July 26, 1946, ch. 672, title II, § 201, 60 Stat. 692.
1945—July 3, 1945, ch. 263, title II, 59 Stat. 370.
1944—June 28, 1944, ch. 302, title II, 58 Stat. 557.
Apr. 1, 1944, ch. 152, title I, § 1, 58 Stat. 152.

CIVILIAN REEMPLOYMENT OF MEMBERS OF MERCHANT MARINE

ACT JUNE 23, 1943, CH. 142, 57 STAT. 162

§§ 1471 to 1475. Repealed. July 24, 1956, ch. 671, § 5 (a) (3), 70 Stat. 606, eff. July 1, 1954.

Section 1471, acts June 23, 1943, ch. 142, § 1, 57 Stat. 162; Aug. 8, 1946, ch. 867, 60 Stat. 905; Aug. 8, 1946, ch. 912, 60 Stat. 945, authorized a certificate of service for service in the merchant marine after May 1, 1940, and before the termination of the national emergency (July 25, 1947).

Sections 1472—1475, acts June 23, 1943, ch. 142, §§ 2—5, 57 Stat. 162, 163; Aug. 8, 1946, ch. 867, 60 Stat. 906, provided for civilian reemployment of members of the merchant marine, proceedings to compel employer's compliance, additional compensation to certain civilian employees during period of merchant marine service, and for promulgation of rules and regulations to carry out those sections.

REPLACEMENT OF AWARDS, MEDALS AND DECORATIONS

For provisions authorizing the issuance of replacements of awards, medals, and decorations, notwithstanding the repeal of these sections, see section 5 (b) of act July 24, 1956, set out as a note under former sections 753—753f of this Appendix.

WAR LABOR DISPUTES ACT

ACT JUNE 25, 1943, CH. 144, 57 STAT. 163

§§ 1501 to 1511. Omitted.

CODIFICATION

Sections 1501, 1502, and 1504—1511, act June 25, 1943, ch. 144, §§ 1, 2, 4—11, 57 Stat. 163, relating to adjustment of war labor disputes, expired six months after cessation of hostilities on Dec. 31, 1946, as proclaimed by 1946 Proc. No. 2714, 12 F. R. 1, under the provisions of Section 10 of Act June 25, 1943. Act June 25, 1943, ch. 144, § 7(c), 57 Stat. 166, formerly classified to section 1507 of this Appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 1503, act June 25, 1943, ch. 144, § 3, 57 Stat. 164, amending former section 309 of this Appendix expired on March 31, 1947, when section 309 expired.

Section 1509, act June 25, 1943, ch. 144, § 9, 57 Stat. 167, was also repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

VOLUNTARY ENLISTMENTS IN THE REGULAR MILITARY ESTABLISHMENT

ACT JUNE 1, 1945, CH. 168, 59 STAT. 230

§§ 1531 to 1534. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1531, acts, June 1, 1945, ch. 168, § 1, 59 Stat. 230; Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 538, relating to enlistments and reenlistments in the Regular Army, terminated on June 30, 1947 by the provisions of former section 1533 of this Appendix.

Section 1532, act June 1, 1945, ch. 168, § 2, as added Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 539, relating to regulations, expired on June 30, 1947 by the provisions of former section 1533 of this Appendix.

Section 1533, act June 1, 1945, ch. 168, § 3, as added Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 539, relating to termination of authority to accept enlistments, terminated on June 30, 1947, by its own terms.

Section 1534, act June 1, 1945, ch. 168, § 4, as added Oct. 6, 1945, ch. 393, § 3(a), 59 Stat. 539, related to promotion after six months service in seventh grade.

CROSS REFERENCES

Recruiting campaigns for enlistments see sections 3255, 5531 and 8255 of Title 10, Armed Forces and section 468 of Title 14, Coast Guard.

WOMEN'S ARMY CORPS

ACT JULY 1, 1943, CH. 187, 57 STAT. 371

§§ 1551 to 1555. Repealed. July 25, 1947, ch. 327, § 2a, 61 Stat. 451, eff. June 12, 1949.

Sections, act July 1, 1943, ch. 187, 57 Stat. 371, relating to the Women's Army Corps, were repealed by act July 25, 1947, ch. 327, § 2a, 61 Stat. 451, to be effective July 1, 1948 but section 110 of act June 12, 1948, ch. 449, title I, 62 Stat. 363, provided in part that the effective date of repeal be postponed until June 12, 1949. Similar provisions are now covered by sections 3071, 3209, 3211, 3215, 3311, 3504, 3580, 3685, 3962 and 3991 of Title 10, Armed Forces.

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

JOINT RES. MARCH 28, 1944, CH. 135, 58 STAT. 122

§§ 1571 to 1578. Omitted.

CODIFICATION

Sections, Joint Res. Mar. 28, 1944, ch. 135, 58 Stat. 122, relating to the United Nations Relief and Rehabilitation Administration, terminated on June 30, 1947, by the provisions of section 9 of Joint Res. Mar. 28, 1944.

Sections 1571 and 1578 were amended by act Dec. 18, 1945, ch. 580, 39 Stat. 612.

OFFICERS AND EMPLOYEES

Act June 30, 1944, ch. 324, title II, § 201, 58 Stat. 629, provided in part for retention of all rights and privileges by officers and employees detailed to the Administration.

ADDITIONAL APPROPRIATIONS

Act Dec. 14, 1945, ch. 577, 59 Stat. 609 appropriated $550,000,000 to the Administration to be available during fiscal year 1946.

LIQUIDATION EXPENDITURE

Act July 8, 1947, ch. 209, 61 Stat. 260 appropriated not to exceed $2,370,000 for the liquidation expenses of the Administration.

TEMPORARY APPOINTMENTS OF ARMY NURSE CORPS MEMBERS, ETC., AS OFFICERS OF ARMY OF THE UNITED STATES

ACT JUNE 22, 1944, CH. 272, 58 STAT. 324

Sec.
1591. Army Nurse Corps members, dietetic, and physical-therapy personnel of Medical Department, etc.; authority and command; appointment as affecting prior appointment.
1592. Rights, privileges, and benefits.
1593. Retirement; grade and pay.
1594. Computation of length of service of Army Nurse Corps personnel.
1595. Computation of length of service of dietetic and physical-therapy personnel.
1596. Uniform allowance of certain appointees; completion of issue of uniforms, etc., complete issue as personal property.
1597. Blanket appointment by President; grade corresponding to relative rank; effective date; pay and allowances; oath of office.
1598. Transportation allowances.

§ 1591. Army Nurse Corps members, dietetic, and physical-therapy personnel of Medical Department, etc.; authority and command; appointment as affecting prior appointment.

Notwithstanding any other provision of law, members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices) appointed under the provisions of the Act of December 22, 1942 (56 Stat. 1072), and female persons having the necessary qualifications for appointments in such department as female dietetic or physical-therapy personnel under the provisions of the Act of December 22, 1942 (56 Stat. 1072), may be appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended by the Act of July 7, 1943 (Public Law 114, Seventy-eighth Congress), in the grades therein prescribed, and assigned, respectively, to the Army Nurse Corps and Medical Department of the Army. All persons so appointed and assigned shall have authority in and about military hospitals as regards medical and sanitary matters and all other work within the scope of their professional duties next after other officers of the Medical Department and, except as above provided, shall exercise command only over those members of the Army of the United States specifically placed under their command. Members of the Army Nurse Corps so appointed and assigned shall not by acceptance of their appointments vacate their appointments in the Army Nurse Corps. (June 22, 1944, ch. 272, § 1, 58 Stat. 324.)

REFERENCES IN TEXT

Act of December 22, 1942, referred to in the text, formerly classified to section 164 of Title 10, Army and Air Force, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Joint resolution of Sept. 22, 1941 (55 Stat 728), as amended by the Act of July 7, 1943 (Pub. L. 114, Seventy-eighth Congress), referred to in the text, was repealed effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451.

CHANGE OF NAME

The Medical Department of the Army was changed to the Army Medical Service by act June 28, 1950, ch. 383, title III, § 307, 64 Stat. 270, which was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See sections 3067—3070 of Title 10, Armed Forces. The Army Medical Service was changed to the Army Medical Department by Pub. L. 90-329, June 4, 1968, 82 Stat. 170. The Army Nurse Corps is a component of the Army Medical Department.

EX. ORD. NO. 9454. ACTUAL RANK

Ex. Ord. No. 9454, July 10, 1944, 9 F. R. 7803, provided: By virtue of the authority vested in me as President of the United States by the act of June 22, 1944 (Public Law 350, 78th Congress) [sections 1591—1598 of this Appendix], I hereby appoint, commission and order to active duty, effective this date, as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended, in commissioned grades corresponding to the relative rank each such person holds on this date, all members of the Army Nurse Corps on active duty on June 22, 1944, and all female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), appointed under the provisions of the act of December 22, 1942 (56 Stat. 1072), on active duty in the Medical Department of the Army on June 22, 1944.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1592, 1594, 1595, 1596, 1597, 1598 of this Appendix.

§ 1592. Rights, privileges, and benefits.

All persons appointed and assigned as officers in the Army of the United States under the provisions of section 1 of this Act [section 1591 of this Appendix] and their dependents and beneficiaries shall have all the rights, privileges, and benefits accorded in like cases to other persons appointed under the joint resolution of September 22, 1941 (55 Stat. 728), as amended, except where otherwise expressly provided in this [sections 1591 to 1598 of this Appendix] or any subsequent Act. (June 22, 1944, ch. 272, § 2, 58 Stat. 325.)

REFERENCES IN TEXT

Joint resolution of Sept. 22, 1941 (55 Stat. 728), as amended, referred to in the text, was repealed effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451.

§ 1593. Retirement; grade and pay.

In addition to members of the Army Nurse Corps, any person appointed and assigned as an officer in the Army of the United States under the provisions of section 1 of this Act [section 1591 of this Appendix] shall be eligible to be retired under any law providing for the retirement of members of the Army Nurse Corps, and any such person, including members of the Army Nurse Corps, who, while serving under such appointment and assignment, is so retired for disability shall receive retired pay at the rate of 75 per centum of the active duty base and longevity pay received by her while serving in the highest grade in which she served under any such appointment and assignment, and, notwithstanding any other provision of law, shall be placed upon the Army Nurse Corps retired list in such highest grade. Any member of the Army Nurse Corps retired between December 7, 1941, and the date of enactment of this Act [June 22, 1944] for disability and any female dietitian or physical-therapy aide so retired between January 12, 1943, and the date of enactment of this Act [June 22, 1944] shall receive, effective on the first day of the first month next following the date of enactment of this Act [June 22, 1944], retired pay at the rate of 75 per centum of the highest active duty base and longevity pay received by her while serving in the Army Nurse Corps or Medical Department of the Army, as the case may be, during the above-cited applicable period: *Provided*, That nothing contained in this section shall operate to reduce the retired pay presently received by any nurse, female dietitian, or physical-therapy aide. (June 22, 1944, ch. 272, § 3, 58 Stat. 325.)

§ 1594. Computation of length of service of Army Nurse Corps personnel.

In computing years of service for all purposes of members of the Army Nurse Corps appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as a contract nurse prior to February 2, 1901, and service rendered pursuant to an appointment under this

Act [sections 1591 to 1598 of this Appendix]. (June 22, 1944, ch. 272, § 4, 58 Stat. 325.)

§ 1595. Computation of length of service of dietetic and physical-therapy personnel.

In computing years of service for all purposes of female dietetic and physical-therapy personnel appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical-therapy categories rendered subsequent to April 6, 1917, as a civilian employee of the Department of the Army, service rendered pursuant to an appointment as a female dietitian or physical-therapy aide under the provisions of the Act of December 22, 1942 (56 Stat. 1072), and service rendered pursuant to an appointment under this Act [sections 1591 to 1598 of this Appendix]. (June 22, 1944, ch. 272, § 5, 58 Stat. 325.)

REFERENCES IN TEXT

Act of December 22, 1942, referred to in the text, formerly classified to section 164 of Title 10, Army and Air Force, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 1596. Uniform allowance of certain appointees; completion of issue of uniforms, etc., complete issue as personal property.

Notwithstanding any other provision of law, no woman appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] who is a member of the Army Nurse Corps or who has previously held an appointment as a female dietitian or physical-therapy aide under the provisions of the Act of December 22, 1942 (56 Stat. 1072) shall be entitled to any uniform allowance payable to officers of the Army of the United States. Any such woman who, either as a member of the Army Nurse Corps or a dietitian or physical-therapy aide, has not received a complete issue of uniforms, insignia, accessories, and equipment prescribed by regulations of the Secretary of the Army for persons in the respective categories may be issued the remainder of such prescribed articles, and any such woman who has heretofore or may hereafter receive such complete issue, or any part thereof, may retain such articles as her personal property. (June 22, 1944, ch. 272, § 6, 58 Stat. 325.)

REFERENCES IN TEXT

Act of December 22, 1942, referred to in the text, formerly classified to section 164 of Title 10, Army and Air Force, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 1597. Blanket appointment by President; grade corresponding to relative rank; effective date; pay and allowances; oath of office.

For the purpose of effectuating prompt and equitable appointments under section 1 of this Act [section 1591 of this Appendix] of the personnel mentioned in the title of this Act [members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel] who are on active duty on the date of enactment of this Act [June 22, 1944], the President is authorized to appoint, in commissioned grades corresponding to the relative rank held by such personnel on the effective date of the order of appointment, all or any part of such personnel by means of a blanket order without specifying the names of the personnel so appointed. Any person so appointed by such blanket order shall be deemed for all purposes to have accepted her appointment as an officer in the Army of the United States upon the effective date of such blanket order unless she shall expressly decline such appointment, and shall receive from such date the pay and allowances of the commissioned grade to which she was so appointed. No such person who, upon receiving an appointment in the Army of the United States, shall have subscribed to the oath of office required by section 1757, Revised Statutes [section 3331 of Title 5], shall be required to renew such oath or to take a new oath upon her appointment as a commissioned officer, if her service in the Army of the United States after the taking of such oath shall have been continuous. (June 22, 1944, ch. 272, § 7, 58 Stat. 326.)

§ 1598. Transportation allowances.

Women appointed in the Army Nurse Corps, female dietitians and physical-therapy aides appointed in the Medical Department of the Army under the provisions of the Act of December 22, 1942 (56 Stat. 1072), and women appointed from civilian life under the provisions of section 1 of this Act [section 1591 of this Appendix] shall receive for travel performed under competent orders from home to first-duty station the mileage allowance provided for persons appointed as officers under the joint resolution of September 22, 1941 (55 Stat. 728). This section shall be applicable with respect to travel performed on or after December 22, 1942. (June 22, 1944, ch. 272, § 8, 58 Stat. 326.)

REFERENCES IN TEXT

Act of December 22, 1942, referred to in the text, formerly classified to section 164 of Title 10, Army and Air Force, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

DISPOSAL OF MATERIALS ON PUBLIC LANDS

ACT SEPT. 27, 1944, CH. 416, 58 STAT. 745

§§ 1601 to 1603. Omitted.

CODIFICATION

Sections, act Sept. 27, 1944, ch. 416, §§ 1—3, 58 Stat. 745, which related to the manner of disposal of materials on public lands, under the provisions of section 1603, terminated on the cessation of hostilities of World War II, which was proclaimed at 12 o'clock noon of Dec. 31, 1946, by Proc. No. 2714, set out as note under section 601 of this Appendix. Permanent provisions are now set out as sections 601—604 of Title 30, Mines and Mining.

SURPLUS PROPERTY ACT OF 1944

ACT OCT. 3, 1944, CH. 479, 58 STAT. 765

Sec.
1611 to 1621. Repealed.
1621a. Utilization of surplus property by Federal Prisons Industries, Incorporated.
1622. Disposal to local governments and nonprofit institutions.
(a)—(c) Repealed.
(d) Power transmission lines.
(e), (f) Repealed.
(g) Real and personal property for public airports.
(h) Historic-monument sites.
1622a. Disposal of surplus airport property; extinguishment of restrictions on use of structures.
1622b. Same; enforcement of terms and conditions of disposal instruments.
1622c. Same; granting releases from terms and conditions of disposal instruments; terms and conditions of releases.
1623 to 1632. Repealed.
1632a, 1632b. Omitted.
1633 to 1646. Repealed.

CROSS REFERENCES

Contract Settlement Act of 1944, see chapter 2 of Title 41, Public Contracts.

General Services Administration, see section 751 et seq. of Title 40, Public Buildings, Property, and Works.

Management and disposal of Government property, see chapter 10 of Title 40, Public Buildings, Property, and Works.

Procurement procedures, see chapter 4 of Title 41, Public Contracts.

Renegotiation Act, see section 1191 of this Appendix.

Renegotiation of contracts, see sections 1211—1233 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix.

§§ 1611 to 1614. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections 1611—1614, act Oct. 3, 1944, ch. 479, §§ 2—5, 58 Stat. 766—768, relating to Congressional declaration of purpose, definitions, general rule for disposal of surplus property, and creation of Surplus Property Board, respectively, are now covered by chapter 10, of Title 40, Public Buildings, Property, and Works.

Section 1612 was amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

§§ 1614a, 1614b. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653.

Sections, act Sept. 18, 1945, ch. 368, §§ 1, 2, 59 Stat. 533, related to the establishment of the Surplus Property Administration.

§§ 1615 to 1621. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections, act Oct. 30, 1944, ch. 479, §§ 6—12, 58 Stat. 768-770, relating to powers and duties of Surplus Property Board, are now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

Sections 1615—1618 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

Section 1619 amended by act Aug. 1, 1946, ch. 723, § 1, 60 Stat. 754.

Section 1620 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

Section 1621, amended by acts Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; May 3, 1946, ch. 248, §§ 2—4, 60 Stat. 168.

§ 1621a. Utilization of surplus property by Federal Prisons Industries, Incorporated.

CODIFICATION

Section has been transferred to note under section 4122 of Title 18, Crimes and Criminal Procedure.

§ 1622. Disposal to local governments and nonprofit institutions.

(a)—(c). Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.

(d) Power transmission lines.

Whenever any State or political subdivision thereof, or any State or Government agency or instrumentality certifies to the Administrator of General Services that any power transmission line determined to be surplus property under the provisions of this Act [former sections 1611 to 1614, 1615 to 1622, 1623 to 1632 and 1633 to 1646 of this Appendix] is needful for or adaptable to the requirements of any public or cooperative power project, such line and the right-of-way acquired for its construction shall not be sold, leased for more than one year, or otherwise disposed of, except as provided in section 12 [former section 1621 of this Appendix] or this section, unless specifically authorized by Act of Congress.

(e), (f). Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

(g) Real and personal property for public airports.

(1) Notwithstanding any other provision of this Act [former sections 1611 to 1614, 1615 to 1622, 1623 to 1632 and 1633 to 1646 of this Appendix], and disposal agency designated pursuant to this Act [such sections] may, with the approval of the Administrator of General Services, convey or dispose of to any State, political subdivision, municipality, or tax-supported institution, without monetary consideration to the United States, but subject to the terms, conditions, reservations, and restrictions hereinafter provided for, all of the right, title, and interest of the United States in and to any surplus real or personal property (exclusive of property the highest and best use of which is determined by the Administrator of General Services to be industrial and which shall be so classified for disposal without regard to the provisions of this subsection) which, in the determination of the Administrator of the Federal Aviation Agency, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport as defined in the Airport and Airway Development Act of 1970 [section 1701 et seq. of Title 49] or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation businesses at a public airport.

(2) Except as provided in paragraph (3) of this subsection, all property disposed of under the authority of this subsection shall be disposed of on and subject to the following terms, conditions, reservations, and restrictions:

(A) No property disposed of under the authority of this subsection shall be used, leased, sold, salvaged, or disposed of by the grantee or transferee for other than airport purposes without the written consent of the Administrator of the Federal Aviation Agency, which consent shall be granted only if the Administrator of the Federal Aviation Agency determines that the property can be used, leased, sold, salvaged, or disposed of for other than airport purposes without materially and adversely affecting the development, improvement, operation, or maintenance of the airport at which such property is located.

(B) All property transferred for airport purposes shall be used and maintained for the use and benefit of the public, without unjust discrimination.

(C) No exclusive right for the use of the airport at which the property disposed of is located shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of this condition, an exclusive right is defined to mean—

(1) any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

(2) any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers, and appliances).

(D) The grantee shall, insofar as it is within its powers, adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

(E) During any national emergency declared by the President or by the Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport at which the surplus property is located or used, or of such portion thereof as it may desire: *Provided, however,* That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided, further,* That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(F) The United States shall at all times have the right to make nonexclusive use of the landing area of the airport at which the surplus property is located or used, without charge: *Provided, however,* That such use may be limited as may be determined at any time by the Administrator of the Federal Aviation Agency to be necessary to prevent undue interference with use by other authorized aircraft: *Provided further,* That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made by it.

(G) Any public agency accepting a conveyance or transfer of surplus property under the provisions of this subsection shall release the United States from any and all liability it may be under for restoration or other damages under any lease or other agreement covering the use by the United States of any airport, or part thereof, owned, controlled, or operated by the public agency upon which, adjacent to which, or in connection with which, the surplus property was located or used: *Provided,* That no such release shall be construed as depriving the public agency of any right it may otherwise have to receive reimbursement under section 17 of the Federal Airport Act [former section 1116 of Title 49] for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency.

(H) In the event that any of the terms, conditions, reservations, and restrictions upon or subject to which the property is disposed of is not met, observed, or complied with, all of the property so disposed of or any portion thereof, shall, at the option of the United States, revert to the United States in its then existing condition.

(3) In making any disposition of surplus property under this subsection, the disposal agency is authorized, upon the request of the Administrator of the Federal Aviation Agency, the Secretary of the Army, or the Secretary of the Navy, to omit from the instruments of disposal any of the terms, conditions, reservations, and restrictions required by paragraph (2) hereof, and to include any additional terms, conditions, reservations, and restrictions, if the Administrator of the Federal Aviation Agency, the Secretary of the Army, or the Secretary of the Navy determines that such omission or inclusion is necessary to protect or advance the interests of the United States in civil aviation or for national defense.

(4) Repealed. Oct. 1, 1949, ch. 589, § 5, 63 Stat. 700.

(5) All surplus property within the purview of this subsection which is not disposed of pursuant hereto shall be disposed of as provided elsewhere in this Act [former sections 1611 to 1614, 1615 to 1622, 1623 to 1632, and 1633 to 1646 of this Appendix] or other applicable Federal Statute.

(6) Notwithstanding the provisions of subsection (f) of this section and subsection (e) of section 18 [former section 1627 (e) of this Appendix], the disposal of surplus property under this subsection, which is determined by the Administrator of General Services to be available for the purposes enumerated in this subsection, shall be given priority immediately following transfers to other Government agencies under section 12 [former section 1621 of this Appendix].

(h) Historic-monument sites.

(1) Notwithstanding any other provision of this Act [former sections 1611 to 1614, 1615 to 1622, 1623 to 1632 and 1633 to 1646 of this Appendix], any disposal agency designated pursuant to this Act [said sections] may, with the approval of the Administrator of General Services, convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus land, including improvements and equipment located thereon, which in the determination of the Secretary of the Interior, is suitable and desirable for use as a historic monument, for the benefit of the public. The Administrator of General Services, from funds appropriated to the War Assets Administration, shall reimburse the Secretary of the Interior for the costs incurred in making any such determination.

(2) Conveyances of property for historic-monument purposes under this subsection shall be made without monetary consideration: *Provided,* That no property shall be determined under this paragraph to be suitable or desirable for use as an historic-monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites; Buildings and Monuments established by section 3 of the Act entitled "An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666) [section 463 of Title 16], and no property shall be so determined to be suitable or desirable for such use if (A) its area exceeds that necessary for the preservation and proper observation of the historic monument situated thereon, or (B) its historical significance relates to a period of time within the fifty years immediately preceding the determination of suitability and desirability for such use.

(3) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed for a period of not less than twenty years, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator of General Services to be necessary to safeguard the interests of the United States.

(Oct. 3, 1944, ch. 479, § 13, 58 Stat. 770; Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; May 3, 1946, ch. 248, §§ 2—4, 60 Stat. 168; 1947 Reorg. Plan No. 1, § 501, eff. July 1, 1947, 12 F. R. 4535, 61 Stat. 952; July 30, 1947, ch. 404, 61 Stat. 678; June 10, 1948, ch. 433, §§ 1, 2, 62 Stat. 350; June 29, 1948, ch. 727, 62 Stat. 1103; June 30, 1949, ch. 288, title I, § 105, title VI, § 602(a)(1), formerly title V, § 502(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583, and amended Oct. 1, 1949, ch. 589, §§ 1, 5, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(c), 72 Stat. 807; July 20, 1961, Pub. L. 87-90, 75 Stat. 211; May 21, 1970, Pub. L. 91-258, title I, § 52(b)(6), 84 Stat. 235; Oct. 22, 1970, Pub. L. 91-485, § 5, 84 Stat. 1085.)

REFERENCES IN TEXT

Airport and Airway Development Act of 1970, referred to in subsec. (g)(1), is classified to chapter 25 of Title 49, Transportation.

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1970—Subsec. (g)(1). Pub. L. 91-258 substituted "Airport and Airway Development Act of 1970" for "Federal Airport Act (60 Stat. 170)".

Subsec. (h)(1). Pub. L. 91-485, § 5(1), limited the conveyance of surplus land for use as a historic monument by striking out public park and public recreational area.

Subsec. (h)(2). Pub. L. 91-485, § 5(2), struck out the provisions relating to the price adjustment of conveyances for park or recreational purposes.

1961—Subsec. (h)(2). Pub. L. 87-90 substituted "its historical significance relates to a period of time within the fifty years immediately preceding the determination of suitability and desirability for such use" for "it was acquired by the United States at any time subsequent to January 1, 1900."

1958—Subsec. (g). Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics" in six instances.

1949—Subsecs. (a)—(c), (e), (f). Act June 30, 1949, eff. July 1, 1949, repealed subsecs. (a)—(c), (e) and (f). Present provisions are now covered by chapter 4 of Title 41, Public Contracts.

Subsec. (g)(2)(A). Act Oct. 1, 1949, § 1, struck out proviso reading "Provided, That no structures disposed of hereunder shall be used as an industrial plant, factory or similar facility within the meaning of section 23 of this Act, unless the public agency receiving title to such structures shall pay to the United States such sum as the Administrator shall determine to be fair consideration for the removal of the restrictions imposed by this proviso."

Subsec. (g)(4). Act Oct. 1, 1949, § 5, repealed subsec. (g)(4), which related to sole responsibility of Administrator for determining and enforcing compliance with the terms, conditions, reservations, and restrictions upon or subject to which surplus property is disposed of pursuant to this subsection.

1948—Subsec. (a)(3). Act June 29, 1948, made available without charge, except for reimbursement of disposal expenses, to local governments who maintain a civilian unit, certain surplus property.

Subsec. (f). Act June 10, 1948, § 2, gave State and local governments a higher priority than the Reconstruction Finance Corporation with regard to certain properties.

Subsec. (h). Act June 10, 1948, § 1, added subsec. (h).

1947—Subsec. (c). Act July 30, 1947, § 1, omitted reference to airport.

Subsec. (g). Act July 30, 1947, § 2, provided for transfer of real and personal property for public airports.

1946—Subsec. (f). Act May 3, 1946, added "and disposals to * * * shall be exercised.".

CHANGE OF NAME

The name of the Federal Aviation Agency was changed to the Federal Aviation Administration under Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and the Federal Aviation Administration within such Department under an Administrator. See section 1651 et seq. of Title 49, Transportation.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment of these sections by Pub. L. 85-726 shall be effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration and the office of War Assets Administrator were abolished by act June 30, 1949, § 105.

All unexpended balances of the funds appropriated to the War Assets Administration, which are referred to in subsection (h) (1), were transferred to General Services Administration for use in connection with the functions to which such balances relate by act June 30, 1949, ch. 288, title I, § 107, 63 Stat. 382, set out as section 630e of Title 5, Executive Departments and Government Officers and Employees.

The War Assets Administrator was substituted for Surplus Property Administrator on authority of 1947 Reorg. Plan No. 1, which provided for the performance by the War Assets Administrator of the functions specifically vested in the Surplus Property Administrator by former sections 1611—1614, 1615—1622, 1623—1632 and 1633—1646 of this Appendix.

Surplus Property Board was abolished and all of its functions transferred to Surplus Property Administrator by act Sept. 18, 1945.

SURPLUS ATHLETIC EQUIPMENT

Act June 16, 1948, ch. 478, 62 Stat. 458, which provided for the disposal of surplus athletic equipment to State, public and government institutions, and private charitable and nonprofit organizations for use in sports by the youth of the country, was repealed by act Oct. 31, 1951, ch. 654, § 1 (128), 65 Stat. 706.

CROSS REFERENCES

Crediting of proceeds from sales of surplus property to miscellaneous receipts of the Treasury, see section 460*l*-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 551 and 701.

§ 1622a. Disposal of surplus airport property; extinguishment of restrictions on use of structures.

Notwithstanding any other provision of law, the restriction against use of structures for industrial purposes, as contained in any deed or instrument of disposal pursuant to section 13 (g) (2) (A) of the Surplus Property Act of 1944 (58 Stat. 765), as amended by the Act of July 30, 1947 (61 Stat. 678), shall, from and after October 1, 1949, be deemed extinguished and of no force and effect. The Administrator of the Federal Aviation Agency is authorized to issue such instruments of release or correction, as may be necessary to effect removal of record of such restriction from any of such deeds or other instruments of disposal, without monetary consideration to the United States. (Oct. 1, 1949, ch. 589, § 2, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(c), 72 Stat. 807.)

REFERENCES IN TEXT

Section 13 (g) (2) (A) of the Surplus Property Act of 1944 (58 Stat. 765) as amended by the act of July 30, 1947 (61 Stat. 678), referred to in the text, refers to section 1622 (g) (2) (A) of this Appendix prior to its amendment by section 1 of act Oct. 1, 1949.

CODIFICATION

Section was not enacted as a part of the Surplus Property Act of 1944 which was formerly classified to sections 1611—1614, 1615—1622, 1623—1632 and 1633—1646 of this Appendix.

AMENDMENTS

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-726 effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office, see section 1505 (2) of Pub. L. 85-726, set out as a note under section 1301 of Title 49, Transportation. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

CHANGE OF NAME

The name of the Federal Aviation Agency was changed to the Federal Aviation Administration pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and the Federal Aviation Administration as a component part of such Department. See section 1651 et seq. of Title 49, Transportation.

§ 1622b. Same; enforcement of terms and conditions of disposal instruments.

The Administrator of the Federal Aviation Agency shall have the sole responsibility for determining and enforcing compliance with the terms, conditions, reservations, and restrictions contained in any instrument of disposal by which surplus property is or has been transferred to States and their political subdivisions, municipalities, and tax-supported institutions pursuant to the Surplus Property Act of 1944 [former sections 1611 to 1614, 1615 to 1622, 1623 to 1632 and 1633 to 1646 of this Appendix], for use in the development, improvement, operation, or maintenance of a public airport or to provide sources of revenue from nonaviation businesses at a public airport (including property transferred for any such use pursuant to such act prior to July 30, 1947), and the Administrator is authorized to reform, correct or amend any instrument of disposal by which such property was conveyed by the issuance of a corrective, reformative, or amendatory instrument where such action is determined by him to be necessary to correct such instrument or to conform the transfer to the requirements of applicable law. (Oct. 1, 1949, ch. 589, § 3, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(c), 72 Stat. 807.)

CODIFICATION

Section was not enacted as a part of the Surplus Property Act of 1944 which was formerly classified to sections 1611—1614, 1615—1622, 1623—1632 and 1633—1646 of this Appendix.

AMENDMENTS

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-726 effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office, see section 1505 (2) of Pub. L. 85-726, set out as a note under section 1301 of Title 49, Transportation. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

CHANGE OF NAME

The name of the Federal Aviation Agency was changed to the Federal Aviation Administration pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and the Federal Aviation Administration as a component part of such Department. See section 1651 et seq. of Title 49, Transportation.

§ 1622c. Same; granting releases from terms and conditions of disposal instruments; terms and conditions of releases.

Notwithstanding any other provision of law, the Administrator of the Federal Aviation Agency is further authorized, without monetary consideration to the United States, to grant releases from any of the terms, conditions, reservations, and restrictions contained in, and to convey, quitclaim, or release any right or interest reserved to the United States by, any such instrument of disposal, if he determines that the property transferred by such instrument no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which the property was transferred and is necessary to protect or advance the interests of the United States in civil aviation: *Provided,* That any such release, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Administrator of the Federal Aviation Agency deems necessary to protect or advance the interests of the United States in civil aviation: *And provided further,* That no release, conveyance, or quitclaim shall be executed by the Administrator pursuant to this section except upon the condition that, in the event that the property to which such release, conveyance, or quitclaim relates shall be sold to any third party within five years after October 1, 1949, the proceeds of such sale shall be devoted exclusively to the development, improvement, operation, or maintenance of a public airport. (Oct. 1, 1949, ch. 589, § 4, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85—726, title XIV, § 1402(c), 72 Stat. 807.)

CODIFICATION

Section was not enacted as a part of the Surplus Property Act of 1944 which was formerly classified to sections 1611—1614, 1615—1622, 1623—1632 and 1633—1646 of this Appendix.

AMENDMENTS

1958—Pub. L. 85-726 amended section by substituting "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics in two instances."

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-726 effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office, see section 1505 (2) of Pub. L. 85-726, set out as a note under section 1301 of Title 49, Transportation. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

CHANGE OF NAME

The name of the Federal Aviation Agency was changed to the Federal Aviation Administration pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation and the Federal Aviation Administration as a component part of such Department. See section 1651 et seq. of Title 49, Transportation.

§§ 1623 to 1630. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections, act Oct. 3, 1944, ch. 479, §§ 14—21, 58 Stat. 772—775, relating to disposition of property, are now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

Section 1623 amended by acts Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; July 23, 1946, ch. 590, 60 Stat. 599.

Section 1624 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

Section 1625 amended by acts Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; May 3, 1946, ch. 248, § 1, 60 Stat. 168.

Section 1626 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

Section 1627 amended by acts Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; May 3, 1946, ch. 248, § 6, 60 Stat. 169; June 10, 1948, ch. 433, § 3, 62 Stat. 351.

Section 1628 amended by act Oct. 23, 1945, ch. 432, 59 Stat. 546.

Sections 1629 and 1630 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

§ 1631. Repealed. June 7, 1939, ch. 190, § 6 (e), as added July 23, 1946, ch. 590, 60 Stat. 599.

Section, act Oct. 3, 1944, ch. 479, § 22, 58 Stat. 776, related to stock piling of surplus materials, and is now covered by sections 98—98h of Title 50, War and National Defense.

§ 1632. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Section, acts Oct. 3, 1944, ch. 479, § 23, 58 Stat. 777; Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; Aug. 7, 1946, ch. 790, §§ 1, 2, 60 Stat. 886, relating to disposal of surplus real property, is now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

§§ 1632a, 1632b. Omitted.

CODIFICATION

Section 1632a, act Apr. 24, 1948, ch. 230, § 1, 62 Stat. 199, authorizing transfer of surplus real property to Department of the Interior, expired July 1, 1952, under the provisions of former section 1632b of this Appendix.

Section 1632b, act Apr. 24, 1948, ch. 230, § 2, 62 Stat. 199, subjecting any surplus real property transferred to Department of the Interior to all laws and regulations applicable to area with which it is consolidated, was omitted, the authorization to make such transfers having expired by its own terms on July 1, 1952.

§§ 1633 to 1636. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections, act Oct. 3, 1944, ch. 479, §§ 24—27, 58 Stat. 780, 781, relating to reports to Congress, remedies for fraudulent acts, etc., are now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

Section 1633 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

§ 1637. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, act Oct. 3, 1944, ch. 479, § 28, 58 Stat. 781, relating to an amendment of former section 590a of Title 18, is now covered by section 3287 of Title 18, Crimes and Criminal Procedure.

§§ 1638 to 1640. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections, act Oct. 3, 1944, ch. 479, §§ 29—31, 58 Stat. 781, 782, relating to competitive bidding, disposal of proceeds, etc., are now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

Sections 1638 and 1639 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

§ 1641. Repealed.

Subsecs. (a) and (b)(1) of this section, acts Oct. 3, 1944, ch. 479, § 32 (a), (b)(1), 58 Stat. 782; Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; Aug. 1, 1946, ch. 723, § 2, 60 Stat. 754, which related to the authority of commanders in active theaters of military operations with respect to property in their control and to the disposition of surplus property outside the United States, were repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583, and are now covered by chapter 10 of Title 40, Public Buildings, Property and Works.

Subsec. (b)(2) of this section, acts Oct. 3, 1944, ch. 479, § 32(b)(2), 58 Stat. 782; Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; Aug. 1, 1946, ch. 723, § 2, 60 Stat. 754; June 20, 1952, ch. 449, § 11, 66 Stat. 151; Aug. 26, 1954, ch. 937, title V, § 544(d), as added July 1[8], 1956, ch. 627, § 11(a), 70 Stat. 563, and amended Aug. 14, 1957, Pub. L. 85-141, § 11(b)(1), 71 Stat. 365; Aug. 17, 1961, Pub. L. 87-153, 75 Stat. 390, which related to the use of foreign currencies, foreign scholarships, and the establishment of the Board of Foreign Scholarships, was repealed by Pub. L. 87-256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and is now covered by chapter 33 of Title 22, Foreign Relations and Intercourse.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as chapter 33 of Title 22, Foreign Relations and Intercourse, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of Title 22.

§§ 1642 to 1646. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6 (a), (b), 64 Stat. 583.

Sections, act Oct. 3, 1944, ch. 479, §§ 33—37, 58 Stat. 782—784, relating to restrictions on importation of surplus property, saving provisions, etc., are now covered by chapter 10 of Title 40, Public Buildings, Property, and Works.

Sections 1642—1645 amended by act Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.

WAR MOBILIZATION AND RECONVERSION ACT OF 1944

ACT OCT. 3, 1944, CH. 480, 58 STAT. 785

§§ 1651 to 1678. Omitted.

CODIFICATION

Sections 1651, 1652, 1656—1660, and 1661—1663, 1666, 1667, 1671, and 1678, were from act Oct. 3, 1944, ch. 480, 58 Stat. 785—789.

Sections 1651, 1652, 1656—1660, and 1661—1663 related to the creation of the Office of War Mobilization and reconversion, demobilization and reconversion policies and retraining and reemployment, and expired on June 30, 1947, under the provisions of section 603 of act Oct. 3, 1944. Act Oct. 3, 1944, ch. 480, title I, §§ 101, 102, title III, §§ 301, 303, 58 Stat. 785, 788, 789, formerly classified to sections 1651, 1652, 1661 and 1663 of this Appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 652.

Section 1666 amended section 1104 of Title 42, The Public Health and Welfare, and section 1667 added section 1321 of Title 42, and both sections were excluded from the provisions of section 603 of act Oct. 3, 1944, ch. 480, title VI, 58 Stat. 791, which provided for the termination of act Oct. 3, 1944 on June 30, 1947, by act Aug. 6, 1947, ch. 510, § 4, 61 Stat. 794. The provisions of sections 1666 and 1667 have been incorporated in sections 1104 and 1321 of Title 42, and accordingly are omitted here.

Sections 1671, and 1676—1678, related to public works, definitions, transfers of functions, savings clause, etc., and expired on June 30, 1947, under the provisions of section 603 of act Oct. 3, 1944.

APPROPRIATION

Act Oct. 3, 1944, ch. 480, title VI, § 602, 58 Stat. 792, authorized to be appropriated such sums as might be necessary or appropriate to carry out the purposes and provisions of act Oct. 3, 1944.

REVOLVING FUND

Establishment of revolving fund under which to account for assets and liabilities in connection with loans or advances made pursuant to former section 1671 of this title, see section 1701g-5 of Title 12, Banks and Banking, and "References in Text" note thereunder.

FLEET ADMIRAL OF THE NAVY AND GENERAL OF THE ARMY

ACT DEC. 14, 1944, CH. 580, 58 STAT. 802

§§ 1691 to 1697. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 1691, act Dec. 14, 1944, ch. 580, § 1, 58 Stat. 802, established the Fleet Admiral of the United States Navy as the highest grade in the Navy with provision for appointment of four on the active list at any one time.

Section 1692, act Dec. 14, 1944, ch. 580, § 2, 58 Stat. 802, established the General of the Army as the highest grade in the Army with provision for appointment of four on the active list at any one time.

Section 1693, act Dec. 14, 1944, ch. 580, § 3, 58 Stat. 802, related to appointment without examination, tenure, effect on permanent or temporary status, appointment and reversion of retired officers.

Section 1694, act Dec. 14, 1944, ch. 580, § 4, 58 Stat. 803, related to pay and allowances of appointees under former sections 1691—1697 of this Appendix.

Section 1695, act Dec. 14, 1944, ch. 580, § 5, 58 Stat. 803, related to rank and pay on retirement of appointees under former sections 1691—1697 of this Appendix.

Section 1696, act Dec. 14, 1944, ch. 580, § 6, 58 Stat. 803, related to rank and precedence of appointees under former sections 1691—1697 of this Appendix according to date of appointment.

Section 1697, act Dec. 14, 1944, ch. 580, § 7, 58 Stat. 803, left unaffected by former sections 1691—1697 of this Appendix, any other law relating to office of General of the Armies of the United States.

PERMANENT APPOINTMENT

Act Mar. 23, 1946, ch. 112, § 1, 60 Stat. 59, provided in part for making permanent the grades held by Fleet Admirals of the Navy Ernest J. King, Chester W. Nimitz, William Halsey and William D. Leahy and Generals of the Army Douglas MacArthur, Dwight D. Eisenhower, Henry H. Arnold and George C. Marshall. Section also provided for full pay upon retirement.

APPOINTMENT OF GENERAL OF THE ARMY

Pub. L. 87-3, Mar. 22, 1961, 75 Stat. 5, authorized: the President of the United States to appoint former President Dwight David Eisenhower to the active list of the Regular Army in his former grade of General of the Army with his former date of rank in such grade.

DISPOSAL OF CENSORED MAIL

ACT DEC. 22, 1944, CH. 673, 58 STAT. 913

§ 1701. Creation and composition of disposal committee; type of mail matter; rules and regulations.

CODIFICATION

Section, act Dec. 22, 1944, ch. 673, § 1, 58 Stat. 913, relating to disposal of censored mail, expired six months after termination of hostilities in World War II, which was proclaimed at 12 o'clock noon on Dec. 31, 1946 by 1946 Proc. No. 2714, 12 F. R. 1, set out as a note under section 601 of this Appendix, as provided in section 2 of act Dec. 22, 1944.

DISBURSING OFFICERS' ADDITIONAL FUNCTIONS

ACT DEC. 23, 1944, CH. 716, 58 STAT. 921

§§ 1705 to 1707. Transferred.

CODIFICATION

Sections 1705—1707 transferred to sections 492a—492c, respectively, of Title 31, Money and Finance.

GENERAL OF THE MARINE CORPS

ACT MAR. 21, 1945, CH. 29, 59 STAT. 36

§§ 1711 to 1715. Omitted.

CODIFICATION

Section 1711, act Mar. 21, 1945, ch. 29, § 1, 59 Stat. 36, established the grade and rank of General of the Marine Corps and provided for the appointment of the Commandant of the Marine Corps thereto.

Section 1712, act Mar. 21, 1945, ch. 29, § 2, 59 Stat. 36, related to appointment without examination, tenure and effect on permanent or temporary status.

Section 1713, act Mar. 21, 1945, ch. 29, § 3, 59 Stat. 36, related to pay and allowances of appointees under former sections 1711—1715 of this Appendix.

Section 1714, act Mar. 21, 1945, ch. 29, § 4, 59 Stat. 36, related to rank and pay on retirement of appointees under former sections 1711—1715 of this Appendix.

Section 1715, act Mar. 21, 1945, ch. 29, § 5, 59 Stat. 37, provided for the termination of sections 1711—1715 of this Appendix six months after the termination of the wars in which the United States was engaged as proclaimed by the President or such earlier date as Congress, by concurrent resolution, might fix. Cessation of hostilities of World War II, eff. twelve o'clock noon, Dec. 31, 1946, was proclaimed by the President in 1946 Proc. No. 2714, Dec. 31, 1946, 12 F. R. 1. The Treaty of Peace with Japan, signed at San Francisco on Sept. 8, 1951, was ratified by the United States Senate on Mar. 20, 1952 and came into force on Apr. 28, 1952. See Termination of State of War 1739 to 1745, and 1746 of this Appendix.

PERMANENT APPOINTMENT

Section 2 of act Mar. 23, 1946, ch. 112, 60 Stat. 60, provides for the permanent appointment in the grade of General in the Regular Marine Corps of General Alexander A. Vandegrift. Section also provided for full pay upon retirement.

ADMIRAL IN THE COAST GUARD

ACT MAR. 21, 1945, CH. 30, 59 STAT. 37

§§ 1721 to 1725. Omitted.

CODIFICATION

Section 1721, act Mar. 21, 1945, ch. 30, § 1, 59 Stat. 37, established the grade and rank of Admiral in the Coast Guard and provided for the appointment of the Commandant of the Coast Guard thereto.

Section 1722, act Mar. 21, 1945, ch. 30, § 2, 59 Stat. 37, related to appointment without examination, tenure and effect on permanent or temporary status.

Section 1723, act Mar. 21, 1945, ch. 30, § 3, 59 Stat. 37, related to pay and allowances of appointees under former sections 1721—1725 of this Appendix.

Section 1724, act Mar. 21, 1945, ch. 30, § 4, 59 Stat. 37, related to rank and pay on retirement of appointees under former sections 1721—1725 of this Appendix.

Section 1725, act Mar. 21, 1945, ch. 30, § 5, 59 Stat. 37, provided for the termination of sections 1721—1725 of this Appendix six months after the termination of the wars in which the United States was engaged as proclaimed by the President or such earlier date as Congress, by concurrent resolution, might fix. Cessation of hostilities of World War II, eff. twelve o'clock noon, Dec. 31, 1946, was proclaimed by the President in 1946 Proc. No. 2714, Dec. 31, 1946, 12 F. R. 1. The Treaty of Peace with Japan, signed at San Francisco on Sept. 8, 1951, was ratified by the United States Senate on Mar. 20, 1952, and came into force on Apr. 28, 1952. See Termination of State of War notes set out preceding section 1 of this Appendix.

PERMANENT APPOINTMENT

Section 3 of act Mar. 3, 1946, ch. 112, 60 Stat. 60, provides for the permanent appointment in the grade of Admiral in the Coast Guard of Admiral Russell R. Waesche. Section also provided for full pay upon retirement.

EXCEPTION OF NAVY OR COAST GUARD VESSELS FROM CERTAIN NAVIGATION RULES

ACT DEC. 3, 1945, CH. 511, 59 STAT. 590

§§ 1731, 1732. Transferred.

CODIFICATION

Sections 1731 and 1732 were originally enacted as a temporary measure and were to terminate on June 30, 1948 but this termination date was repealed by act Mar. 5, 1948, ch. 99, 62 Stat. 69. Sections have been transferred to sections 360 and 360a, respectively, of Title 33, Navigation and Navigable Waters.

SALE OF SURPLUS WAR-BUILT VESSELS

ACT MAR. 8, 1946, CH. 82, 60 STAT. 41

Sec.
1735. Declaration of policy.
1736. Definitions.
1737. Sales of vessels to citizens; sales price; down payment and installment payments; restrictions on vessel operation.
1738. Charter of vessels.
(a) To citizens; publication of domestic prewar cost.
(b) Rate of charter hire.
(c) Laws applicable to charter hire.
(d) Computation of charter hire where engaged in both foreign and domestic trade.
(e) Proceedings and findings; extension of charters.
(f) Charter of passenger vessels.
1738a. Termination of charters; exceptions.
1738b. Condition for chartering vessels.
1739. Sale of vessels to non-citizens; conditions; priority of mortgage on unpaid balance.
1740. Order of preference in sales and charters; determination; operation of commercial vessels by Government.
1741. Exchange of vessels.
(a) Allowance as credit on purchase price; vessels acceptable.
(b) Amount of allowance.
(c) Transfers in settlement of claims.
(d) Transfer of substitute vessels.
1742. Price adjustment on prior sales to citizens.
(a) Form, manner, and time of application.
(b) Determination of amount.
(c) Conditions binding on applicant.
(d) Applicability of other laws.
1743. Limitation on eligibility for benefits under act.
1744. Composition of national defense reserve fleet; vessels available to State marine schools.
1745. Reconversion of vessels for normal commercial operation; applicability of other laws to construction contracts; coastwise trade; disposition of moneys; Great Lakes trade.
1745a. Great Lakes vessels accorded operation status of documented vessels.
1746. Quarterly reports to Congress.

§ 1735. Declaration of policy.

(a) It is necessary for the national security and development and maintenance of the domestic and the export and import foreign commerce of the United States that the United States have an efficient and adequate American-owned merchant marine (1) sufficient to carry its domestic water-borne commerce and a substantial portion of its water-borne export and import foreign commerce and to provide shipping service on all routes essential for

maintaining the flow of such domestic and foreign water-borne commerce at all times; (2) capable of serving as a naval and military auxiliary in time of war or national emergency; (3) owned and operated under the United States flag by citizens of the United States; (4) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel; and (5) supplemented by efficient American-owned facilities for shipbuilding and ship repair, marine insurance, and other auxiliary services.

(b) It is declared to be the policy of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] to foster the development and encourage the maintenance of such a merchant marine. (Mar. 8, 1946, ch. 82, § 2, 60 Stat. 41.)

SHORT TITLE

Section 1 of act Mar. 8, 1946, provided that act Mar. 8, 1946, should be popularly known as "The Merchant Ship Sales Act of 1946".

TERMINATION DATE

Section 14 of act Mar. 8, 1946, as amended June 28, 1947, ch. 161, § 1, 61 Stat. 190; Feb. 27, 1948, ch. 78, § 1 (a), 62 Stat. 38; Feb. 27, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, § 1, 63 Stat. 349; June 30, 1950, ch. 427, § 1, 64 Stat. 308; Aug. 17, 1950, ch. 725, 64 Stat. 452, provided that: "No contract of sale shall be made under this Act [sections 1735—1738 and 1739—1746 of this Appendix] after January 15, 1951, and no contract of charter shall be made under this Act [sections 1735—1738 and 1739—1746 of this Appendix] after June 30, 1950, except as provided for charter under subsections (e) and (f) of section 5 hereof, as amended [section 1738 (e, f) of this Appendix]."

DETERMINATION OF SELLING PRICE

Elements to be considered in determination of the selling price of vessels, see section 864b of Title 46, Shipping.

GREAT LAKES VESSELS

Section 3 of act Sept. 28, 1950, ch. 1093, 64 Stat. 1078, provided: "Contracts for the sale of vessels for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf and their connecting waterways, may be made until December 31, 1950. Such contracts shall require that transfer to the Great Lakes of such vessels by the buyers shall be completed by December 31, 1951."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1736 to 1738, 1739 to 1745, and 1746 of this Appendix.

§ 1736. Definitions.

As used in this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] the term—

(a) "Secretary" means the Secretary of Commerce.

(b) "War-built vessel" means an oceangoing vessel of one thousand five hundred gross tons or more, owned by the United States and suitable for commercial use—

(1) which was constructed or contracted for by or for the account of the United States during the period, beginning January 1, 1941, and ending with September 2, 1945; or

(2) which, having been constructed during the period beginning September 3, 1939, and ending with September 2, 1945, was acquired by the United States during such period.

(c) "Prewar domestic cost", as applied to any type of vessel, means the amount determined by the Secretary, and published by the Secretary in the Federal Register, to be the amount for which a standard vessel of such type could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case shall the prewar domestic cost of any type of vessel be considered to be greater than 80 percentum of the domestic war cost of vessels of the same type.

(d) "Statutory sales price", as applied to a particular vessel, means, in the case of a dry-cargo vessel, an amount equal to 50 per centum of the prewar domestic cost of that type of vessel, and in the case of a tanker, such term means an amount equal to 87½ per centum of the prewar domestic cost of a tanker of that type, such amount in each case being adjusted as follows:

(1) If the Secretary is of the opinion that the vessel is not in class, there shall be subtracted the amount estimated by the Secretary as the cost of putting the vessel in class.

(2) If the Secretary is of the opinion that the vessel lacks desirable features which are incorporated in the standard vessel used for the purpose of determining prewar domestic cost, and that the statutory sales price (unadjusted) would be lower if the standard vessel had also lacked such features, there shall be subtracted the amount estimated by the Secretary as the amount of such resulting difference in statutory sales price.

(3) If the Secretary is of the opinion that the vessel contains desirable features which are not incorporated in the standard vessel used for the purpose of determining prewar domestic cost, and that the statutory sales price (unadjusted) would be higher if the standard vessel had also contained such features, there shall be added the amount estimated by the Secretary as the amount of such resulting difference in statutory sales price.

(4) There shall be subtracted, as representing normal depreciation, an amount computed by applying to the statutory sales price (determined without regard to this paragraph) the rate of 5 per centum per annum for the period beginning with the date of the original delivery of the vessel by its builder and ending with the date of sale or charter to the applicant in question, and there shall also be subtracted an amount computed by applying to the statutory sales price (determined without regard to this paragraph) such rate not in excess of 3 per centum per annum in the case of a vessel other than a tanker, and not in excess of 4 per centum per annum in the case of a tanker, for such period or periods of war service as the Secretary determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this subsection.

No adjustment, except in respect of passenger vessels constructed before January 1, 1941, shall be made under this Act [sections 1735 to 1738 and 1739 to 1745, and 1746 of this Appendix] which will result in a statutory sales price which (1) in the case of dry-cargo vessels (except Liberty type vessels) will be less

than 35 per centum of the domestic war cost of vessels of the same type, (2) in the case of any Liberty type vessel will be less than 31½ per centum of the domestic war cost of vessels of such type, or (3) in the case of a tanker will be less than 50 per centum of the domestic war cost of tankers of the same type. For the purposes of this Act [said sections], except section 5 [section 1738 of this Appendix], all Liberty vessels shall be considered to be vessels of one and the same type.

(e) "Domestic war cost" as applied to any type of vessel means the average construction cost (without national defense features) as determined by the Secretary, of vessels of such type delivered during the calendar year 1944, except in case of any type of vessel the principal deliveries of which were made after the calendar year 1944, there shall be used in lieu of such year 1944 such period of not less than six consecutive calendar months as the Secretary shall find to be most representative of war production costs of such type.

(f) "Cessation of hostilities" means the date proclaimed by the President as the date of the cessation of hostilities in the present war, or the date so specified in a concurrent resolution of the two Houses of the Congress, whichever is the earlier.

(g) "Citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended [sections 802 and 803 of Title 46]. The term "affiliated interest" as used in sections 9 and 10 of this Act [sections 1742 and 1743 of this Appendix] includes any person affiliated or associated with a citizen applicant for benefits under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] who the Secretary, pursuant to rules and regulations prescribed hereunder, determines should be so included in order to carry out the policy and purposes of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix]. (Mar. 8, 1946, ch. 82, § 3, 60 Stat. 41; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276, 1277.)

REFERENCES IN TEXT

"Cessation of hostilities", referred to in subsec. (f), was proclaimed at 12 o'clock noon on Dec. 31, 1946 by 1946 Proc. No. 2714, 12 F. R. 1, set out as a note under section 601 of this Appendix.

TRANSFER OF FUNCTIONS

"Secretary of Commerce" and "Secretary" were substituted for "United States Maritime Commission" and "Commission" on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735, 1737, 1738, 1739 to 1745, and 1746 of this Appendix.

§ 1737. Sales of vessels to citizens; sales price; down payment and installment payments; restrictions on vessel operation.

(a) Any citizen of the United States may make application to the Secretary to purchase a war-built vessel, under the jurisdiction and control of the Secretary, at the statutory sales price. If the Secretary determines that the applicant possesses the ability, experience, financial resources, and other qualifications, necessary to enable him to operate and maintain the vessel under normal competitive conditions, and that such sale will aid in carrying out the policies of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix], the Secretary shall sell such vessel to the applicant at the statutory sales price.

(b) At the time of sale, the purchaser shall pay to the Secretary at least 25 per centum of the statutory sales price. The balance of the statutory sales price shall be payable in not more than twenty-five equal annual installments, with interest on the portion of the statutory sales price remaining unpaid, at the rate of 3½ per centum per annum, or shall be payable under such other amortization provisions which permit the purchaser to accelerate payment of the unpaid balance as the Secretary deems satisfactory. The obligation of the purchaser with respect to payment of such unpaid balance with interest shall be secured by a preferred mortgage on the vessel sold.

(c) The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price, shall not restrict the lawful or proper use or operation of the vessel. (Mar. 8, 1946, ch. 82, § 4, 60 Stat. 43; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216.)

AMENDMENTS

1960—Subsec. (b). Pub. L. 86-518 substituted "twenty-five equal annual installments" for "twenty equal annual installments."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment of this section by Pub. L. 86-518 applicable only to vessels delivered by the shipbuilder on or after Jan. 1, 1946, and with respect to such vessels shall become effective on Jan. 1, 1960, and with respect to vessels delivered by the shipbuilder before Jan. 1, 1946, the provisions of the Merchant Marine Act, 1936 [section 1101 et seq. of Title 46, Shipping], existing immediately before June 12, 1960, shall continue in effect, see section 8(a) of Pub. L. 86-518, set out as a note under section 1125 of Title 46, Shipping.

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

REVISION OF CONTRACTS, COMMITMENTS TO INSURE MORTGAGES, MORTGAGES, AND MORTGAGE INSURANCE CONTRACTS ENTERED INTO PRIOR TO JUNE 12, 1960

For provisions authorizing revision, see section 8(c) of Pub. L. 86-518, set out as a note under section 1125 of Title 46, Shipping.

COMMERCIAL EXPECTANCY OR PERIOD OF DEPRECIATION OF TANKERS AND OTHER LIQUID BULK CARRIERS

Nothing in any amendment made by Pub. L. 86-518 to operate or be interpreted to change from 20 to 25 years the provisions of the Merchant Marine Act, 1936 [section 1101 et seq. of Title 46, Shipping], relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier, see section 9 of Pub. L. 86-518, set out as a note under section 1125 of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735, 1736, 1738, 1739 to 1745, and 1746 of this Appendix.

§ 1738. Charter of vessels.

(a) To citizens; publication of domestic prewar cost.

Any citizen of the United States and, until July 4, 1946, any citizen of the Commonwealth of the Philippines, may make application to the Secretary to charter a war-built dry-cargo vessel, under the jurisdiction and control of the Secretary for bare-boat use. The Secretary may, in his discretion, either reject or approve the application, but shall not so approve unless in his opinion the chartering of such vessel to the applicant would be consistent with the policies of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] No vessel shall be chartered under this section until sixty days after publication of the applicable prewar domestic cost in the Federal Register under subsection 3(c) of this Act [section 1736(c) of this Appendix].

(b) Rate of charter hire.

The charter hire for any vessel chartered under the provisions of this section shall be fixed by the Secretary at such rate as the Secretary determines to be consistent with the policies of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix]. Except in the case of vessels having passenger accommodations for not less than eighty passengers rates of charter hire fixed by the Secretary on any war-built vessel which differ from the rate specified in this subsection shall not be less than the prevailing world market charter rates for similar vessels for similar use as determined by the Secretary.

(c) Laws applicable to charter hire.

The provisions of sections 708, 709, 710, 712, and 713 of the Merchant Marine Act, 1936, as amended [sections 1198 to 1200, 1202, and 1203 of Title 46], shall be applicable to charters made under this section.

(d) Computation of charter hire where engaged in both foreign and domestic trade.

When an operator is engaged both in the foreign trade and in the domestic trade (coastwise or intercoastal), additional charter hire determined with reference to voyage profits of the chartered vessels, under regulations promulgated by the Secretary, shall be computed, accounted for, and paid separately on such foreign trade and shall be computed, accounted for, and paid separately on such domestic trade, covering all voyages commencing subsequent to June 30, 1947.

(e) Proceedings and findings; extension of charters.

(1) Notwithstanding the provisions of sections 11 and 14 of this Act, as amended [sections 1744 and 1735 note of this Appendix], war-built dry-cargo vessels owned by the United States on or after June 30, 1950, may be chartered pursuant to this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] for bareboat use in any service which, in the opinion of the Federal Maritime Board, is required in the public interest and is not adequately served, and for which privately owned American flag vessels are not available for charter by private operators on reasonable conditions and at reasonable rates for use in such service. No charters shall be made by the Secretary of Commerce under authority of this subsection until the Federal Maritime Board shall have given due notice to all interested parties and shall have afforded such parties an opportunity for a public hearing on such charters and shall have certified its findings to the Secretary of Commerce. The Secretary of Commerce is authorized to include in such charters such restrictions and conditions as the Federal Maritime Board determines to be necessary or appropriate to protect the public interest in respect of such charters and to protect privately owned vessels against competition from vessels chartered under this section: *Provided, however,* That all such charters shall contain a provision that they will be reviewed annually by the Federal Maritime Board, with recommendations to the Secretary of Commerce, for the purpose of determining whether conditions exist justifying continuance of the charters under the provisions of this subsection.

(2) A charter existing on June 30, 1950, with respect to a war-built dry-cargo vessel may be extended to October 31, 1950, if application is made within ten days after the enactment hereof [June 30, 1950] for the charter of such vessel under this subsection and if the Secretary of Commerce deems such extension is justified in accordance with the provisions of subdivision (1) of this subsection: *Provided, however,* That a new voyage under such extended charter shall not be begun after October 31, 1950, unless it has been determined prior to such date, in accordance with the procedure set forth in this subsection, that the continued use of the vessel in the service is required. The Federal Maritime Board shall conduct all hearings on applications made under this paragraph immediately upon receipt thereof and shall promptly certify its findings to the Secretary of Commerce, provided that all such certifications shall be made not later than October 31, 1950.

(f) Charter of passenger vessels.

(1) Notwithstanding the provisions of sections 11 and 14 of this Act, as amended [sections 1744 and 1735 note of this Appendix], the Secretary of Commerce may charter any passenger vessel, whether or not war-built, owned by the United States on or after June 30, 1950, pursuant to title VII of the Merchant Marine Act, 1936, as amended [subchapter VII of chapter 27 of Title 46], and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section.

(2) Charters existing on June 30, 1950, with respect to passenger vessels may be continued until December 31, 1951, or until expiration thereof by the terms of their provisions. (Mar. 8, 1946, ch. 82, § 5, 60 Stat. 43; June 28, 1947, ch. 161, § 2, 61 Stat. 191; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277; June 30, 1950, ch. 427, § 3, 64 Stat. 308; Aug. 31, 1954, ch. 1175, 68 Stat. 1050.)

AMENDMENTS

1954—Subsec. (f)(1). Act Aug. 31, 1954, allowed the chartering of war-built passenger vessels.

1950—Subsecs. (e) and (f). Act June 30, 1950, added subsecs. (e) and (b).

1947—Subsec. (d). Act June 28, 1947, added subsec. (d).

ABOLITION OF FEDERAL MARITIME BOARD AND TRANSFER OF FUNCTIONS

Section 304 of 1961 Reorg. Plan No. 7, effective Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, Government Organization and Employees, abolished the Federal Maritime Board, referred to in subsection (e) of this section, including the offices of the members of the Board. Functions of the Board were transferred either to the Federal Maritime Commission or to the Secretary of Commerce by sections 103 and 202 of 1961 Reorg. Plan No. 7.

ABOLITION OF UNITED STATES MARITIME COMMISSION AND TRANSFER OF FUNCTIONS

All functions of the United States Maritime Commission and of the Chairman of said Commission were transferred to the Secretary of Commerce, except as otherwise provided in Part I, by 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the United States Maritime Commission.

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) in the text of subsecs. (a—d) and words "but, except upon the affirmative vote of not less than four members of the Commission, such rate shall not be less than 15 per centum per annum of the statutory sales price (computed as of the date of charter)." were omitted preceding the exception provision in the text of subsec. (b), on authority of 1950 Reorg. Plan No. 21.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

AUTHORIZATION FOR PAYMENTS BY SECRETARY OF COMMERCE TO PERSONS TO WHOM HE CHARTERED VESSELS

Pub. L. 85-721, Aug. 21, 1958, 72 Stat. 710, provided: "That the Secretary of Commerce is authorized to pay to any person to whom he has chartered any vessel under authority of section 5 of the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App., sec. 1738) [this section], out of the Vessel Operations Revolving Fund established in chapter VIII of the Third Supplemental Appropriations Act, 1951 (46 U.S.C., sec. 1241a), an amount equal to the fair and reasonable expenses incurred by such person, as determined by the Maritime Administrator, during the calendar year beginning January 1, 1957, to activate such vessel. Such amount shall be reduced by the amount of the difference, as determined by the Maritime Administrator, between the charter hire which such person paid for such vessel, and the charter hire which was paid for similar vessels which the United States activated at its own expense during such calendar year."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1737, 1739 to 1745, and 1746 of this Appendix.

§ 1738a. Termination of charters; exceptions.

Any charter (except one in respect of a passenger vessel) in effect at the time of the enactment of this joint resolution [June 29, 1949] shall be terminated by the Commission or the Secretary of Commerce at the earliest date permitted under the terms thereof after June 30, 1949, unless the charterer enters into an agreement with the Commission or the Secretary that each vessel delivered or retained under such charter shall not be redelivered to the Commission or the Secretary, at the option of the charterer, within less than six months for liner services, except United States continental coastwise and intercoastal services and services between continental United States ports and Alaska, or four months for bulk services and United States continental coastwise and intercoastal services and services between continental United States ports and Alaska, or for the remainder of the period ending June 30, 1950, if such period is less than said periods of six or four months, respectively. No charter (except one in respect of a passenger vessel) shall be made by the Commission or the Secretary under authority of this joint resolution or after the date of enactment thereof [June 29, 1949] unless the charterer enters into an agreement with the Commission or the Secretary that each vessel delivered or retained under the terms of such charter shall not be redelivered to the Commission or the Secretary, at the option of the charterer, within less than six months for liner services, except United States continental coastwise and intercoastal services and services between continental United States ports and Alaska, or four months for bulk services and United States continental coastwise and intercoastal services and services between continental United States ports and Alaska, or for the remainder of the period ending June 30, 1950, if such period is less than said periods of said six and four months, respectively: *Provided, however,* That no vessel (except a passenger vessel) so chartered may begin a new voyage after June 30, 1950. (June 29, 1949, ch. 281, § 2, 63 Stat. 349; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277.)

CODIFICATION

Section was not enacted as a part of the "Merchant Ship Sales Act of 1946" which comprises sections 1735—1738, 1739—1745, and 1746 of this Appendix.

TRANSFER OF FUNCTIONS

Words "or the Secretary of Commerce" and "or the Secretary" were inserted throughout the text to conform with 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

§ 1738b. Condition for chartering vessels.

No additional vessels shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 3, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense. (Pub. L. 91-472, title III, § 301, Oct. 21, 1970, 84 Stat. 1054.)

CODIFICATION

Section was enacted as a part of the Departments of State, Justice, and Commerce, the Judiciary, and Related

Agencies Appropriation Act, 1971, and not as a part of the Merchant Ship Sales Act of 1946, which comprises sections 1735—1738, 1739—1745, and 1746 of this Appendix.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

1969—Dec. 24, 1969, Pub. L. 91-153, title III, § 301, 83 Stat. 417.
1968—Aug. 9, 1968, Pub. L. 90-470, title III, § 301, 82 Stat. 682.
1967—Nov. 8, 1967, Pub. L. 90-133, title III, § 301, 81 Stat. 425.
1966—Nov. 8, 1966, Pub. L. 89-797, title III, § 301, 80 Stat. 1494.
1965—Sept. 2, 1965, Pub. L. 89-164, title III, § 301, 79 Stat. 634.
1964—Aug. 31, 1964, Pub. L. 88-527, title III, § 301, 78 Stat. 726.
1963—Dec. 30, 1963, Pub. L. 88-245, title III, § 301, 77 Stat. 791.
1962—Oct. 18, 1962, Pub. L. 87-843, title III, § 301, 76 Stat. 1093.
1961—Aug. 3, 1961, Pub. L. 87-125, title II, § 201, 75 Stat. 274.
1960—May 13, 1960, Pub. L. 86-451, title I, § 101, 74 Stat. 97.
1959—July 13, 1959, Pub. L. 86-88, title I, § 101, 73 Stat. 204.
1958—June 25, 1958, Pub. L. 85-469, title I, § 101, 72 Stat. 231.
1957—June 13, 1957, Pub. L. 85-52, title I, § 101, 71 Stat. 74.
1956—June 20, 1956, ch. 415, title 1, § 101, 70 Stat. 318.
1955—June 30, 1955, ch. 253, title I, § 101, 69 Stat. 231.
1954—July 2, 1954, ch. 456, title III, § 301, 68 Stat. 426.
1953—Aug. 5, 1953, ch. 328, title III, § 301, 67 Stat. 381.
1952—July 5, 1952, ch. 578, title II, § 201, 66 Stat. 414.
1951—Aug. 31, 1951, ch. 376, title II, § 201, 65 Stat. 286.
1950—Sept. 6, 1950, ch. 896, ch. VIII, title I, § 101, 64 Stat. 717.
1949—Oct. 10, 1949, ch. 662, title I, § 101, 63 Stat. 743.

§ 1739. Sale of vessels to non-citizens; conditions; priority of mortgage on unpaid balance.

(a) Any person not a citizen of the United States may make application to the Secretary to purchase a war-built vessel (other than a P-2 type or other passenger type and other than a Liberty type collier or tanker), under the jurisdiction and control of the Secretary. If the Secretary determines—

(1) that the applicant has the financial resources, ability, and experience necessary to enable him to fulfill all obligations with respect to payment of any deferred portion of the purchase price, and that sale of the vessel to him would not be inconsistent with any policy of the United States in permitting foreign sales under section 9 of the Shipping Act, 1916, as amended [section 808 of Title 46]; and

(2) after consultation with the Secretary of the Navy, that such vessel is not necessary to the defense of the United States; and

(3) that such vessel is not necessary to the promotion and maintenance of an American merchant marine described in section 2 [section 1735 of this Appendix]; and

(4) that for a reasonable period of time, which in the case of tankers and "C" type vessels shall not end before ninety days after publication of the applicable prewar domestic cost in the Federal Register under subsection 3(c) of this Act [section 1736(c) of this Appendix], such vessel has been available for sale at the statutory sales price to citizens of the United States, or for charter under section 5 [section 1738 of this Appendix] to citizens of the United States, and that no responsible offer has been made by a citizen of the United States to purchase or charter such vessel;

then the Secretary is authorized to approve the application and sell such vessel to the applicant at not less than the statutory sales price. In case of application submitted by a citizen of the Commonwealth of the Philippines, paragraph (4) of this subsection shall not apply. Notwithstanding paragraph (4) of this subsection, not to exceed ten "C" type vessels, except C-3's, may be sold to noncitizens at any time after such date of publication at not less than the statutory sales price.

(b) Notwithstanding any other provision of law, no war-built vessel shall be sold to any person not a citizen of the United States, except in accordance with subsection (a) of this section, or upon terms or conditions more favorable than those at which such war-built vessel is offered to a citizen of the United States, but where the vessel so sold is being transferred to foreign register and flag, the mortgage securing the unpaid balance of the purchase price and interest thereon shall contain provisions according to such mortgage the priorities over other liens and encumbrances accorded such mortgages on merchant vessels under the laws of such registry and flag. (Mar. 8, 1946, ch. 82, § 6, 60 Stat. 43; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277.)

TERMINATION OF AUTHORITY UNDER THIS SECTION ON JUNE 30, 1950

Section 1 (b) of Joint Res. Feb. 27, 1948, ch. 78, 62 Stat. 38, as amended Feb. 28, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, § 1, 63 Stat. 349; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277, provided that: "Notwithstanding the provisions of subsection (a) [subsection (a) of section 1 of act Feb. 27, 1948, ch. 78, 62 Stat. 38, sections 1735 note and 1744 (a) of this Appendix], no contract of sale under section 6 of the Merchant Ship Sales Act of 1946 [this section] shall be made after June 30, 1950; and nothing contained in this or any other Act shall be deemed to authorize the Secretary of Commerce to charter any war-built vessel (as defined in the Merchant Ship Sales Act of 1946 [sections 1735—1738, 1739—1745, and 1746 of this Appendix]) to any person who is not a citizen of the United States (as defined in the Merchant Ship Sales Act of 1946 [sections 1735—1738, 1739—1745, and 1746 of this Appendix]): *Provided, however,* That vessels may be chartered to the Republic of the Philippines, or citizens thereof, for use in the interisland commerce of the Philippines in accordance with section 306 of the Philippine Rehabilitation Act of April 30, 1946 (former section 1786 of this Appendix)."

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

DETERMINATION OF SELLING PRICE

Elements to be considered in determination of the selling price of vessels, see section 864b of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1740 to 1745, and 1746 of this Appendix.

§ 1740. Order of preference in sales and charters; determination; operation of commercial vessels by Government.

(a) In exercising its powers under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] and under other provisions of law with respect to the sale and charter of war-built vessels, the Secretary shall give preference to citizen applicants over noncitizen applicants, and as between citizen applicants to purchase or between citizen applicants charter, shall, so far as practicable and consistent with the policies of this Act [said sections], give preference to citizen applicants to purchase. In determining the order of preference between citizen applicants to purchase or between citizen applicants to charter, the Secretary shall consider, among other relevant factors, the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome and shall in all cases, in the sale and charter of a war-built vessel, give preference in such sale or charter, as the case may be, to the former owner of such vessel, or to the person for whom the vessel was constructed but to whom delivery thereof was prevented by the United States. In determining the order of preference between noncitizen applicants to purchase, the Secretary shall give preference to citizens of the Commonwealth of the Philippines, and in determining the order of preference between other noncitizen applicants to purchase shall consider the extent to which losses in prewar tonnage of the various member nations of the United Nations, incurred in the interests of the war effort, have been overcome, and the relative effects of such losses upon the national economy of such member nations.

(b) After the cessation of hostilities, operation of vessels in commercial service by the United States, either for its own account or through operating agents under agency agreements, shall, except as to the Panama Canal Company and other services specifically authorized by law, be continued only to the extent necessary to effect orderly transfer of vessels to private operation. (Mar. 8, 1946, ch. 82, § 7, 60 Stat. 44; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277; Sept. 26, 1950, ch. 1049, § 2 (a) (2), 64 Stat. 1038.)

REFERENCES IN TEXT

"Cessation of hostilities", referred to in subsec. (b), was proclaimed at 12 o'clock noon on Dec. 31, 1946, by 1946 Proc. No. 2714, 12 F.R. 1, set out as a note under section 601 of this Appendix.

CHANGE OF NAME

The Panama Railroad Company was redesignated the Panama Canal Company by act Sept. 26, 1950.

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739, to 1745, and 1746 of this Appendix.

§ 1741. Exchange of vessels.

(a) Allowance as credit on purchase price; vessels acceptable.

The Secretary is authorized to acquire, in exchange for an allowance of a credit on the purchase of any war-built vessel under section 4 [section 1737 of this Appendix] or any vessel acquired through exchange under subsection (d) of this section—

(1) Any vessel owned by a citizen of the United States, other than a vessel purchased under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix]; or

(2) Any vessel owned by a foreign corporation, if—

(A) the vessel was constructed in the United States, and has, after December 7, 1941, been chartered to, or otherwise taken for use by, the United States; and

(B) the controlling interest in such corporation is, at the time of acquisition of such vessel hereunder, owned by a citizen or citizens of the United States, and has been so owned for a period of at least three years immediately prior to such acquisition; and

(C) such corporation agrees that the war-built vessel purchased with the use of such credit shall be owned by such citizen or citizens and shall be documented under the laws of the United States.

Such allowance shall not be applied upon the cash payment required under section 4 [section 1737 of this Appendix]. A war-built vessel shall be deemed a "new vessel" for the purpose of section 511 of the Merchant Marine Act, 1936, as amended [section 1161 of Title 46], and section 510 (e) of such Act [section 1160(e) of Title 46] shall be applicable with respect to vessels exchanged under this section to the same extent as applicable to obsolete vessels exchanged under section 510 of such Act [section 1160 of Title 46].

(b) Amount of allowance.

(1) If, prior to December 31, 1946, the owner of a vessel eligible for exchange under subsection (a) of this section makes a firm offer binding for at least ninety days, to transfer the vessel to the Commission in exchange for an allowance of credit provided in subsection (a) of this section, the amount of such allowance shall be the fair and reasonable value of the vessel as determined by the Commission under this section. In making such determination the Commission shall consider: (A) The value of the vessel determined in accordance with the standards of valuation established pursuant to Executive Order 9387 (8 F. R. 14105) as of the date of such offer, (B) any liability of the United States for repair and restoration of the vessel, (C) the utility value of the vessel, (D) the effect of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] upon the market value of such vessel, and (E) the public interest in promoting exchanges of vessels as a means of rehabilitating and modernizing the American merchant marine. In no event shall the amount of such allowance, in case of dry cargo vessels and tankers, exceed (A) (1) if the vessel or vessels tendered in exchange are of equal or greater dead-weight tonnage than the war-built

vessel or vessels being acquired, 33⅓ per centum of the statutory sales price (unadjusted) of the war-built vessel or vessels, or (2) if the vessel or vessels tendered in exchange are of lesser dead-weight tonnage than the war-built vessel or vessels, such proportionate part of 33⅓ per centum of the statutory sales price (unadjusted) of such war-built vessel or vessels as the dead-weight tonnage of such vessel or vessels tendered in exchange bear to the dead-weight tonnage of such war-built vessel or vessels, or (B) the liability of the United States in connection with the repair or restoration of such vessel under any charter to which the United States is a party, whichever is higher. In the case of passenger vessels tendered in exchange, the amount of the allowance shall not exceed the percentages of statutory sales price computed under (A) (1) and (2) above by gross tons instead of dead-weight tons, or such liability for the repair or restoration of such passenger vessel, whichever is the higher. In any case where the vessel tendered in exchange was acquired from the United States, the exchange allowance under this section shall not exceed the price paid the United States therefor plus the depreciated cost of any improvements thereon. In the case of any vessel tendered in exchange which has been restored to condition by the United States for the purpose of redelivering such vessel to its owner in compliance with the charter of such vessel with the United States, or where, for such restoration a cash allowance has been made to the owner, there shall be deducted from the amount of the allowance of credit for such vessel determined by the Commission under this section, an amount equal to the liability of the United States for such restoration or such cash allowance made to the owner.

(2) If, after such offer is made, and prior to its acceptance, or prior to the acquisition of the vessel, by the Commission, the vessel is lost by reason of causes for which the United States is responsible, then in lieu of paying the owner any amount on account of such loss, the offer shall, for the purposes of subsection (a) of this section and this subsection, be considered as having been accepted and the vessel as having been acquired by the Commission under said subsection (a) immediately prior to such loss.

(c) Transfers in settlement of claims.

The Secretary is also authorized to make available any war-built vessel for transfer in complete or partial settlement of any claim against the United States (1) for just compensation upon requisition for title of any vessel, or (2) for indemnity for the loss of any vessel which was acquired for use by the United States, but only to the extent such vessel is available for sale to the claimant.

(d) Transfer of substitute vessels.

In the case of any vessel constructed in the United States after January 1, 1937, which has been taken by the United States for use in any manner, the Secretary, if in his opinion the transfer would aid in carrying out the policies of this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix], is authorized to transfer to the owner of such vessel another vessel which is deemed by the Secretary to be of comparable type with adjustments for depreciation and difference in design or speed, and to the extent applicable, adjustments with respect to the retained vessel as provided for in section 9 [section 1742 of this Appendix], and such other adjustments and terms and conditions, including transfer of mortgage obligations in favor of the United States binding upon the old vessel, as the Secretary may prescribe. (Mar. 8, 1946, ch. 82, § 8, 60 Stat. 45; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277.)

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission), except where otherwise indicated by the context, on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739, 1740, 1742 to 1745, and 1746 of this Appendix.

§ 1742. Price adjustment on prior sales to citizens.

(a) Form, manner, and time of application.

A citizen of the United States who on the date of the enactment of this Act [March 8, 1946]—

(1) owns a vessel which he purchased from the Commission prior to such date, and which was delivered by its builder after December 31, 1940; or

(2) is party to a contract with the Commission to purchase from the Commission a vessel, which has not yet been delivered to him; or

(3) owns a vessel on account of which a construction-differential subsidy was paid, or agreed to be paid, by the Commission under section 504 of the Merchant Marine Act, 1936, as amended [section 1154 of Title 46], and which was delivered by its builder after December 31, 1940; or

(4) is party to a contract with a shipbuilder for the construction for him of a vessel, which has not yet been delivered to him, and on account of which a construction-differential subsidy was agreed, prior to such date, to be paid by the Commission under section 504 of the Merchant Marine Act, 1936, as amended [section 1154 of Title 46],

shall, except as hereinafter provided, be entitled to an adjustment in the price of such vessel under this section if he makes application therefor, in such form and manner as the Commission may prescribe, within sixty days after the date of publication of the applicable prewar domestic costs in the Federal Register under section 3 (c) of this Act [section 1736 (c) of this Appendix]. No adjustment shall be made under this section in respect of any vessel the contract for the construction of which was made after September 2, 1945, under the provisions of title V [subchapter V of chapter 27 of Title 46] (including section 504 [section 1154 of Title 46]) or title VII of the Merchant Marine Act, 1936, as amended [subchapter VII of chapter 27 of Title 46].

(b) Determination of amount.

Such adjustment shall be made, as hereinafter provided, by treating the vessel as if it were being sold to the applicant on the date of the enactment of this Act [March 8, 1946], and not before that

time. The amount of such adjustment shall be determined as follows:

(1) The Commission shall credit the applicant with the excess of the cash payments made upon the original purchase price of the vessel over 25 per centum of the statutory sales price of the vessel as of such date of enactment [March 8, 1946]. If such payment was less than 25 per centum of the statutory sales price of the vessel, the applicant shall pay the difference to the Commission.

(2) The applicant's indebtedness under any mortgage to the United States with respect to the vessel shall be adjusted.

(3) The adjusted mortgage indebtedness shall be in an amount equal to the excess of the statutory sales price of the vessel as of the date of the enactment of this Act [March 8, 1946] over the sum of the cash payment retained by the United States under paragraph (1) plus the readjusted trade-in allowance (determined under paragraph (7)) with respect to any vessel exchanged by the applicant on the original purchase. The adjusted mortgage indebtedness shall be payable in equal annual installments thereafter during the remaining life of such mortgage with interest on the portion of the statutory sales price remaining unpaid at the rate of 3½ per centum per annum.

(4) The Commission shall credit the applicant with the excess, if any, of the sum of the cash payments made by the applicant upon the original purchase price of the vessel plus the readjusted trade-in allowance (determined under paragraph (7)) over the statutory sales price of the vessel as of the date of the enactment of this Act [March 8, 1946] to the extent not credited under paragraph (1).

(5) The Commission shall also credit the applicant with an amount equal to interest at the rate of 3½ per centum per annum (for the period beginning with the date of the original delivery of the vessel to the applicant and ending with the date of the enactment of this Act [March 8, 1946]) on the excess of the original purchase price of the vessel over the amount of any allowance allowed by the Commission on the exchange of any vessel on such purchase; the amount of such credit first being reduced by any interest on the original mortgage indebtedness accrued up to such date of enactment and unpaid. Interest so accrued and unpaid shall be canceled.

(6) The applicant shall credit the Commission with all amounts paid by the United States to him as charter hire for use of the vessel (exclusive of service, if any, required under the terms of the charter) under any charter party made prior to the date of the enactment of this Act [March 8, 1946], and any charter hire for such use accrued up to such date of enactment and unpaid shall be canceled; and the Commission shall credit the applicant with the amount that would have been paid by the United States to the applicant as charter hire for bare-boat use of vessels exchanged by the applicant on the original purchase (for the period beginning with date on which the vessels so exchanged were delivered to the Commission and ending with the date of the enactment of this Act [March 8, 1946]).

(7) The allowance made to the applicant on any vessel exchanged by him on the original purchase shall be readjusted so as to limit such allowance to the amount provided for under section 8 [section 1741 of this Appendix].

(8) There shall be subtracted from the sum of the credits in favor of the Commission under the foregoing provisions of this subsection the amount of any overpayments of Federal taxes by the applicant resulting from the application of subsection (c)(1) of this section, and there shall be subtracted from the sum of the credits in favor of the applicant under the foregoing provisions of this subsection the amount of any deficiencies in Federal taxes of the applicant resulting from the application of subsection (c)(1) of this section. If, after making such subtractions, the sum of the credits in favor of the applicant exceeds the sum of the credits in favor of the Commission, such excess shall be paid by the Commission to the applicant. If, after making such subtractions, the sum of the credits in favor of the Commission exceeds the sum of the credits in favor of the applicant, such excess shall be paid by the applicant to the Commission. Upon such payment by the Commission or the applicant, such overpayments shall be treated as having been refunded and such deficiencies as having been paid.

For the purposes of this subsection, the purchase price of a vessel on account of which a construction-differential subsidy was paid or agreed to be paid under section 504 of the Merchant Marine Act, 1936, as amended [section 1154 of Title 46], shall be the net cost of the vessel to the owner.

(c) Conditions binding on applicant.

An adjustment shall be made under this section only if the applicant enters into an agreement with the Commission binding upon the citizen applicant and any affiliated interest to the effect that—

(1) depreciation and amortization allowed or allowable with respect to the vessel up to the date of the enactment of this Act [March 8, 1946] for Federal tax purposes shall be treated as not having been allowable; amounts credited to the Commission under subsection (b)(6) of this section shall be treated for Federal tax purposes as not having been received or accrued as income; amounts credited to the applicant under subsection (b)(5) and (6) of this section shall be treated for Federal tax purposes as having been received and accrued as income in the taxable year in which falls the date of the enactment of this Act (March 8, 1946);

(2) the liability of the United States for use (exclusive of service, if any, required under the terms of the charter) of the vessel on or after the date of the enactment of this Act [March 8, 1946] under any charter party shall not exceed 15 per centum per annum of the statutory sales price of the vessel as of such date of enactment [March 8,

1946] and the liability of the United States under any such charter party for loss of the vessel shall be determined on the basis of the statutory sales price as of the date of the enactment of this Act [March 8, 1946], depreciated to the date of loss at the rate of 5 per centum per annum: *Provided*, That the provisions of this subsection (c)(2) [of this section] shall not apply to any such charter party executed on or after the date of enactment of this amendatory proviso [August 6, 1956]; and the Secretary of Commerce is directed to modify any adjustment agreement to the extent necessary to conform to the provisions of this amendatory proviso; and

(3) in the event the United States, prior to the termination of the existing national emergency declared by the President on May 27, 1941, uses such vessel pursuant to a taking, or pursuant to a bare-boat charter made, on or after the date of the enactment of this Act [March 8, 1946], the compensation to be paid to the purchaser, his receivers, and trustees, shall in no event be greater than 15 per centum per annum of the statutory sales price as of such date.

(d) Applicability of other laws.

Section 506 of the Merchant Marine Act, 1936, as amended [section 1156 of Title 46], shall not apply with respect to (1) any vessel which is eligible for an adjustment under this section, or (2) any vessel described in clause (1), (2), (3), or (4) of subsection (a) of this section, the contract for the construction of which is made after September 2, 1945, and prior to the date of enactment of this Act [March 8, 1946]. (Mar. 8, 1946, ch. 82, § 9, 60 Stat. 46; Aug. 6, 1956, ch. 1013, 70 Stat. 1068.)

AMENDMENTS

1956—Subsec. (c)(2). Act Aug. 6, 1956, added proviso that provisions of subsec. (c)(2) should not apply to charter party executed on or after Aug. 6, 1956, and that Secretary of Commerce should modify any adjustment agreement to conform to its provisions.

ABOLISHMENT OF UNITED STATES MARITIME COMMISSION AND TRANSFER OF FUNCTIONS

The United States Maritime Commission was abolished by 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, which transferred part of its functions and part of the functions of its Chairman to the Federal Maritime Board and the Chairman thereof, the Board having been created by that plan as an agency within the Department of Commerce with an independent status in some respects, and transferred the remainder of the Commission's functions and the functions of its Chairman to the Secretary of Commerce, with power vested in the Secretary to authorize their performance by the Maritime Administrator, the head of the Maritime Administration, which likewise was established by the Plan in the Department of Commerce with the provisions that the chairman of the Federal Maritime Board should, ex officio, be such Administrator. The Federal Maritime Board, in turn, was abolished by 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Appendix to Title 5, which created the Federal Maritime Commission and transferred to it and to the Secretary of Commerce the functions formerly performed by the Board.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739 to 1741, 1743 to 1745, and 1746 of this Appendix; title 46 section 1160.

§ 1743. Limitation on eligibility for benefits under act.

No person shall be eligible to purchase or charter a war-built vessel under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix], or to receive an adjustment under section 9 [section 1742 of this Appendix], unless such person makes an agreement with the Secretary binding upon such person and any affiliated interest to the effect that the liability of the United States under any charter party or taking for use, made or effected prior to the date of the enactment of this Act [March 8, 1946], for the loss, on or after such date of enactment [March 8, 1946] and prior to September 3, 1947, of any vessel owned by such person and under charter to the United States (excluding a vessel with respect to which an adjustment is made under section 9 [section 1742 of this Appendix]) shall be limited to an amount equal to just compensation as of the date of said loss, determined pursuant to existing law, or such amount as may be mutually agreed upon subsequent to the date of the enactment of this Act [March 8, 1946] as just compensation under the provisions of existing law. (Mar. 8, 1946, ch. 82, § 10, 60 Stat. 49; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273.)

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739 to 1742, 1744, 1745, and 1746 of this Appendix.

§ 1744. Composition of national defense reserve fleet; vessels available to State marine schools.

(a) The Secretary of Commerce shall place in a national defense reserve (1) such vessels owned by the Department of Commerce as, after consultation with the Secretary of the Army and the Secretary of the Navy, he deems should be retained for the national defense, and (2) all vessels owned by the Department of Commerce on June 30, 1950, for the sale of which a contract has not been made by that time, except those determined by the Secretary of Commerce to be of insufficient value for commercial and national defense purposes to warrant their maintenance and preservation, and except those vessels, the contracts for the construction of which are made after September 2, 1945, under the provisions of the Merchant Marine Act, 1936, as amended [chapter 27 of Title 46]. A vessel under charter on March 1, 1948, shall not be placed in the reserve until the termination of such charter. Unless otherwise provided for by law, all vessels placed in such reserve shall be preserved and maintained by the Secretary of Commerce for the purpose of national

defense. A vessel placed in such reserve shall in no case be used for any purpose whatsoever except that any such vessel may be used for account of any agency or department of the United States during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, as amended [section 1242 of Title 46], and that any such vessel may be used under a bare-boat charter entered into pursuant to authority vested in the Secretary of Commerce on July 1, 1950, or granted to the Secretary of Commerce after such date.

(b) Any war-built vessel may be made available by the Secretary of Commerce to any State maintaining a marine school or nautical branch in accordance with the Act of July 29, 1941 (Public Law 191, Seventy-seventh Congress; 55 Stat. 607. (Mar. 8, 1946, ch. 82, § 11, 60 Stat. 49; June 28, 1947, ch. 161, § 1, 61 Stat. 190; Feb. 27, 1948, ch. 78, § 1(a), 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, § 1, 63 Stat. 349; 1950 Reorg. Plan No. 21, §§ 204, 305, 306, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1276, 1277; June 30, 1950, ch. 427, § 2, 64 Stat. 308.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011—3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1950—Subsec. (a). Act June 30, 1950, amended subsec. (a) to provide that a vessel placed in reserve may not be used for any purpose whatsoever except (1) for the account of any Federal agency or department during the period in which vessels may be requisitioned under section 1242 of Title 46 and (2) and any such vessel may be used under a bare-boat charter entered into pursuant to the authority vested in the Secretary of Commerce.

1949—Subsec. (a). Joint Res. June 29, 1949, extended provisions of section from June 30, 1949, to June 30, 1950. Joint Res. Feb. 28, 1949, extended provisions of section from Mar. 1, 1949, to June 30, 1949.

1948—Subsec. (a). Act Feb. 27, 1948, extended the provisions of section from Mar. 1, 1948, to Mar. 1, 1949.

1947—Subsec. (a). Act June 28, 1947, extended provisions of section from Dec. 31, 1947, to Mar. 1, 1948.

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Commission" (which had reference to United States Maritime Commission) and "Department of Commerce" for "it", except in subsection (a) fourth sentence, on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739 to 1743, 1745, and 1746 of this Appendix and in title 46 section 1160.

§ 1745. Reconversion of vessels for normal commercial operation; applicability of other laws to construction contracts; coastwise trade; disposition of moneys; Great Lakes trade.

(a) The Secretary is authorized to reconvert or restore for normal operation in commercial services and to convert for operation on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways, including removal of national defense or war-service features, any vessel authorized to be sold or chartered under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix]. The Secretary is authorized to make such replacements, alterations, or modifications with respect to any vessel authorized to be sold or chartered under this Act [said sections], and to install therein such special features, as may be necessary or advisable to make such vessel suitable for commercial operation on trade routes or services or comparable as to commercial utility to other such vessels of the same general type.

(b) Omitted.

(c) Notwithstanding the provisions of section 27 of the Merchant Marine Act, 1920, as amended [section 883 of Title 46], no vessel sold or chartered by the Secretary under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] to a citizen of the United States shall be prohibited from engaging in the coastwise trade of the United States while owned by or chartered to such citizen or citizen successors in interest merely because it was under foreign registry on or after May 27, 1941, and prior to its sale or charter under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] to such citizen, if it is otherwise entitled under the laws of the United States to engage in such trade.

(d) All moneys received by the Secretary under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] shall be deposited in the Treasury to the credit of miscellaneous receipts. The provisions of sections 201(d), 204(b), 207, 209(a), and 905 (c) of the Merchant Marine Act, 1936, as amended [sections 1111(d), 1114(b), 1117, 1119(a), and 1244 (c) of Title 46], shall apply to all activities and functions which the Secretary is authorized to perform under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix].

(e) The Secretary of Commerce is authorized, without regard to the provisions of the last paragraph of section 3 (d) of this Act [section 1736 (d) of this Appendix], to make the allowances provided for by this subsection to purchasers of not more than ten vessels sold pursuant to this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf and their connecting waterways. The allowances authorized by this subsection shall be allowances for (1) the fair and reasonable installed value, based on the domestic war cost, as computed by the Secretary, of such equipment on said vessels as is not required for their operation on the Great Lakes, and the cost of the removal thereof, (2) the fair and reasonable cost, as determined by competitive bids from shipyards, of converting, altering, modifying, and equipping such vessels for use as package freight, passenger, and combination freight and passenger vessels, in accordance with plans and specifications prepared by the purchasers thereof and approved by the Secretary: *Provided, however,* That the total allowances on any vessel made by the Secretary pursuant to this subsection shall not exceed the amounts expended

by the purchaser in altering, modifying, converting, and equipping such vessel, plus the allowances provided for in clause (1) of this subsection, and in no event shall such allowances exceed 90 per centum of the unadjusted statutory sales price: *Provided, further,* That the purchaser shall be required to accept delivery of such vessel at the reserve fleet site or such other place as such vessel may be located at the time of purchase. (Mar. 8, 1946, ch. 82, § 12, 60 Stat. 49; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277; Sept. 28, 1950, ch. 1093, §§ 1, 2, 64 Stat. 1078.)

CODIFICATION

Subsec. (b) making inapplicable to contracts of the Commission for or relating to construction of ships the provisions of War Mobilization and Reconversion Act, § 202, was omitted, said section 202, formerly classified to section 1657 of this Appendix, having expired on June 30, 1947, under the provisions of act Oct. 3, 1944, ch. 480, title VI, § 603, 58 Stat. 792.

AMENDMENTS

1950—Subsec. (a). Act Sept. 28, 1950, § 1, provided for conversion for operation on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways.

Subsec. (e). Act Sept. 28, 1950, § 2, added subsec. (e).

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Insurance of mortgages for purchase of vessels for use on Great Lakes, see section 1274 of Title 46, Shipping.

Termination dates for sale and delivery of vessels for use on Great Lakes, see note under section 1735 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739 to 1744, and 1746 of this Appendix.

§ 1745a. Great Lakes vessels accorded operation status of documented vessels.

Notwithstanding the provisions of the Merchant Ship Sales Act of 1946, as amended (60 Stat. 41, 50 U.S.C. 1735,[1] as amended by Public Law 856, Eighty-first Congress) [section 1745 of this Appendix], and contracts executed thereunder, vessels purchased from the United States for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways, may be operated in any trades and in any manner permitted to other vessels documented under the laws of the United States. (Pub. L. 86-315, Sept. 21, 1959, 73 Stat. 588.)

§ 1746. Quarterly reports to Congress.

The Secretary shall on July 1, 1950, and every three months thereafter, make a report to Congress with respect to all activities or transactions under this Act [sections 1735 to 1738, 1739 to 1745, and 1746 of this Appendix] which have not been covered by any previous such report. (Mar. 8, 1946, ch. 82, § 13, 60 Stat. 50; 1950 Reorg. Plan No. 21, §§ 204, 306, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1276, 1277.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89-348, § 2(1), Nov. 8, 1965, 79 Stat. 1312, modified the provisions of this section to require annual submission instead of quarterly submission of the report to Congress with respect to all activities or transactions under the Merchant Ship Sales Act of 1946.

TRANSFER OF FUNCTIONS

"Secretary" (meaning Secretary of Commerce) was substituted for "Commission" (meaning United States Maritime Commission) and "July 1, 1950" for "July 1, 1946" on authority of 1950 Reorg. Plan No. 21, set out in the Appendix to Title 5, Government Organization and Employees.

All executive and administrative functions of the United States Maritime Commission were transferred to the Chairman thereof by 1949 Reorg. Plan No. 6, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1069, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1735 to 1738, 1739 to 1745 of this Appendix.

REHABILITATION OF PHILIPPINES

ACT APR. 30, 1946, CH. 243, 60 STAT. 128

§§ 1751 to 1806. Omitted.

CODIFICATION

Sections 1751—1806 terminated Apr. 30, 1951, under the provisions of former section 1751 (d) of this Appendix.

Section 1751, acts Apr. 30, 1946, ch. 243, title I, § 101, 60 Stat. 128; Jan. 26, 1948, ch. 16, §§ 1, 2, 62 Stat. 4; Oct. 15, 1949, ch. 695, § 6 (a), 63 Stat. 881, established the Philippine War Damage Commission and provided for the winding up of its affairs not later than two years after expiration of time for filing claims under former sections 1751—1763 of this Appendix if possible but in no event later than Apr. 30, 1951. Acts Apr. 30, 1946, ch. 243, title I, § 101, 60 Stat. 128; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, formerly classified to section 1751 of this Appendix, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653, 655.

Section 1752, act Apr. 30, 1946, ch. 243, title I, § 102, 60 Stat. 129, related to payment for destruction and damage to property, perils and persons covered, claim limitations and definitions.

Section 1753, act Apr. 30, 1946, ch. 243, title I, § 103, 60 Stat. 130, excluded from payment certain enumerated claims.

Section 1754, acts Apr. 30, 1946, ch. 243, title I, § 104, 60 Stat. 130; Aug. 2, 1946, ch. 741, § 1, 60 Stat. 805, related to claim payments.

Section 1755, acts Apr. 30, 1946, ch. 243, title I, § 105, 60 Stat. 131; Aug. 2, 1946, ch. 741, § 2, 60 Stat. 805, required Philippine War Damage Commission to make reports to Congress at intervals of six months.

Section 1756, acts Apr. 30, 1946, ch. 243, title I, § 106, 60 Stat. 131; Jan. 26, 1948, ch. 16, § 3, 62 Stat. 5, authorized to be appropriated the amount of $400,000,000 for compensation payments under former sections 1751—1763 of this Appendix, including the sum of $12,000,000 for expenses of Philippine War Damage Commission, all appropriations under the sections remaining available until Apr. 30, 1951, and provided for disposition of Japanese reparations, including individual reparations.

Section 1757, act Apr. 30, 1946, ch. 243, title I, § 107, 60 Stat. 132, provided penalties for false and fraudulent claims.

Section 1758, act Apr. 30, 1946, ch. 243, title I, § 108, 60 Stat. 132, set limitation on fees for claim services and provided penalties for violations thereof.

Section 1759, act Apr. 30, 1946, ch. 243, title I, § 109, 60 Stat. 132, related to the authority of the Philippine

[1] So in original. Should probably read "50 U.S.C. App. 1735".

War Damage Commission and the prohibition on War Damage Corporation payments.

Section 1760, act Apr. 30, 1946, ch. 243, title I, § 110, 60 Stat. 133, excluded from coverage certain enumerated classes of property.

Section 1761, act Apr. 30, 1946, ch. 243, title I, § 111, 60 Stat. 133, related to transfer of surplus property, valuation of property and payment.

Section 1762, act Apr. 30, 1946, ch. 243, title I, § 112, 60 Stat. 133, provided for cooperation between the Philippine War Damage Commission and the War Damage Corporation.

Section 1763, act Apr. 30, 1946, ch. 243, title I, § 113, 60 Stat. 134, provided for notification of disposal and amount of claim, hearings and conclusiveness of findings.

Section 1771, acts Apr. 30, 1946, ch. 243, title II, § 201, 60 Stat. 134; Aug. 2, 1946, ch. 741, § 3, 60 Stat. 805, related to the transfer and disposal of property, by the Department of State acting through a Foreign Liquidation Commissioner, and the terms and conditions thereof.

Section 1772, act Apr. 30, 1946, ch. 243, title II, § 202, 60 Stat. 134, required the recordation of number, condition and value of transferred items and quarterly reports thereof to the President and the Congress.

Section 1773, act Apr. 30, 1946, ch. 243, title II, § 203, 60 Stat. 134, related to the law governing disposal.

Section 1774, act Apr. 30, 1946, ch. 243, title II, § 204, 60 Stat. 134, prohibited the transfer of military equipment and toxic gas.

Section 1775, act Apr. 30, 1946, ch. 243, title II, § 205, 60 Stat. 134, limited the gross amount transferable to the Commonwealth of the Philippines, provincial governments and chartered cities or municipalities to $100,000,000.

Section 1776, act Apr. 30, 1946, ch. 243, title II, § 206, 60 Stat. 135, authorized Foreign Liquidation Commissioner to prescribe rules and regulations necessary for the performance of his functions under former sections 1771—1776 of this Appendix and to delegate any authority conferred upon him by the sections.

Section 1781, act Apr. 30, 1946, ch. 243, title III, § 301, 60 Stat. 135, authorized to be appropriated the sum of $120,000,000 for allocation, but not later than the fiscal year 1950, among the programs set forth in former sections 1782—1785 of this Appendix and such additional sums as might be necessary for the purposes of former sections 1786—1791 of this Appendix. This section expired on June 30, 1950 but the appropriations remained available for the purposes of former sections 1782 (a) and 1783 (a) of this Appendix until June 30, 1951 under the provisions of former section 1791 (e) of this Appendix.

Section 1782, acts Apr. 30, 1946, ch. 243, title III, § 302, 60 Stat. 135; July 2, 1948, ch. 810, § 1, 62 Stat. 1224, related to restoration and construction of roads and bridges and training of Filipino engineers.

Section 1782 (a) authority continued in effect until June 30, 1951 and section 1782 (b) expired on June 30, 1950 under the provisions of former section 1791 (e) of this Appendix.

Section 1783, act Apr. 30, 1946, ch. 243, title III, § 303, 60 Stat. 135, related to rehabilitation and construction of port and harbor facilities and training of Filipino engineers. Section 1783 (a) authority continued in effect until June 30, 1951 and section 1783 (b) expired on June 30, 1950 under the provisions of former section 1791 (e) of this Appendix.

Section 1784, act Apr. 30, 1946, ch. 243, title III, § 304, 60 Stat. 136, relating to compensation for damage and destruction of public property, repairs and replacement and powers of the Philippine War Damage Commission, expired on June 30, 1950 under the provisions of former section 1791 (e) of this Appendix.

Section 1785, acts Apr. 30, 1946, ch. 243, title III, § 305, 60 Stat. 136; July 2, 1948, ch. 810, § 2, 62 Stat. 1224, relating to rehabilitation and improvement of public health services, training of Filipinos and replacement of equipment, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1786, act Apr. 30, 1946, ch. 243, title III, § 306, 60 Stat. 137, relating to restoration and improvement of inter-island commerce and training of Filipino merchant marine personnel, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1787, act Apr. 30, 1946, ch. 243, title III, § 307, 60 Stat. 137, relating to establishment and operation of inter-island air facilities and training of Filipino personnel, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1788, act Apr. 30, 1946, ch. 243, title III, § 308, 60 Stat. 138, relating to establishment of meterological facilities and training of Filipino personnel, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1789, act Apr. 30, 1946, ch. 243, title III, § 309, 60 Stat. 138, relating to rehabilitation and development of fisheries, training of Filipino personnel, operation of research and experimental stations and vessels and transfer of vessels, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1790, act Apr. 30, 1946, ch. 243, title III, § 310, 60 Stat. 139, providing for continuation of Coast and Geodetic surveys and training of Filipino personnel, expired on June 30, 1950 by its own terms and the provisions of former section 1791 (e) of this Appendix.

Section 1791, acts Apr. 30, 1946, ch. 243, title III, § 311, 60 Stat. 139; July 2, 1948, ch. 810, § 3, 62 Stat. 1225; Sept. 7, 1949, ch. 545, 63 Stat. 692, related to acquisition of lands and easements, cooperation between Governments, rules and regulations governing training courses, admission to United States, and conditions for carrying out training and termination date. Section 1791 (e) provided for the expiration of former sections 1781, 1782 (b), 1783 (b), 1784—1791 on June 30, 1950 with the following exceptions. Appropriations under former section 1781 for the purposes of former sections 1782 (a) and 1783 (a) of this Appendix and the authority contained in former sections 1782(a) and 1783(a) continued available and in effect, respectively, until June 30, 1951. Section 1791(d) last proviso, relating to the deportation of Filipinos designated for training or instruction in the United States for failure to depart within reasonable time fixed by regulation, was omitted as dependent on expired provisions and as executed.

Section 1796, act Apr. 30, 1946, ch. 243, title IV, § 401, 60 Stat. 140, providing for the supervision of functions, powers and duties of Federal agencies and employees in carrying out the provisions of act Apr. 30, 1946, as amended, by the United States High Commissioner to the Philippines, until the Philippines attained their independence. was omitted, independence having been granted to the Philippine Islands by 1946 Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, which was issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and is set out as a note under section 1394.

Section 1797, act Apr. 30, 1946, ch. 243, title IV, § 402, 60 Stat. 140, providing for the transfer of functions under act Apr. 30, 1946, as amended, from the High Commissioner to the Philippines to such United States representative or representatives as the President might appoint on and after the date the Philippines attained their independence, was omitted as dependent upon act Apr. 30, 1946, as amended, which terminated as indicated in the notes to former sections 1751—1763, 1771—1776, 1781—1791, 1796, 1801 and 1806 of this Appendix.

Section 1801, act Apr. 30, 1946, ch. 243, title V, § 501, 60 Stat. 140, authorized $5,000,000 to be appropriated for the restoration, repair of damage to and improvement of lands and buildings referred to in section 1394 (c) (3) of Title 22, Foreign Relations and Intercourse, and for the acquisition or construction of additional buildings to house the civil agencies, including the diplomatic and consular establishments of the United States operating in the Philippine Islands.

Section 1806, act Apr. 30, 1946, ch. 243, title VI, § 601, 60 Stat. 140, requiring an executive agreement to be entered into between the Presidents of the United States and the Philippines as a condition precedent for certain private-aid payments under former sections 1751—1763 of this Appendix, was omitted as dependent upon sections 1751—1763 which terminated April 30, 1951 under the provisions of former section 1751 (d) of this Appendix.

PAYMENT OF BALANCE OF AWARDS TO PHILIPPINES

Pub. L. 87-616, Aug. 30, 1962, 76 Stat. 411, as amended by Pub. L. 88-94, § 3, Aug. 12, 1963, 77 Stat. 122, provided:

"[SEC. 1. *Conditions; limitations on amount*]. That the Foreign Claims Settlement Commission (hereafter in this Act referred to as the "Commission") shall provide, out of funds appropriated pursuant to this Act, for the payment of the unpaid balance of awards heretofore made by the Philippine War Damage Commission under title I of the Philippine Rehabilitation Act of 1946 [former sections 1751—1763 of this Appendix]. No payment shall be made under this Act to any person, or to his successors in interest, on account of any award unless payment was made on such award under the Philippine Rehabilitation Act of 1946 [former sections 1751—1806 of this Appendix], and the maximum amount paid under this Act, when added to amounts paid under the Philippine Rehabilitation Act of 1946 [former sections 1751—1806 of this Appendix] and section 7 of the War Claims Act of 1948 [section 2006 of this Appendix] on account of any claim shall not exceed the aggregate amount of claims approved in favor of such claimant after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [former section 1752(a) of this Appendix], or $25,000, whichever is the lesser. All payments under this Act in amounts over 25,000 pesos or equivalent value in dollars shall be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946 [former section 1754(c) of this Appendix].

"SEC. 2. [*Applications; commencement and duration of period; determination of Commission*]. Within sixty days after the enactment of this Act [Aug. 30, 1962], or of legislation appropriating for administration expenses incurred in carrying out this Act, whichever is later, the Commission shall prescribe and publish in the Federal Register and give appropriate publicity in the Republic of the Philippines concerning the period, not in excess of twelve additional months, within which application must be filed under this Act. The Commission shall complete its determination and take final action with respect to applications filed under this Act not later than one year after the last date on which applications may be filed.

"SEC. 3. [*Publicity to payments provisions; notice to claimants*]. The Commission shall give maximum publicity in the Republic of the Philippines to the provisions of this Act, and through utilization of the records of the former Philippine War Damage Commission shall attempt to notify individual claimants of their right to file applications for payment under this Act, by mailing notice thereof to the last known address of such claimants as shown by such records.

"SEC. 4. [*Notice of approval or denial of applications; hearings; finality of determinations*]. The Commission shall notify all applicants of the approval or denial of their applications and, if approved, shall notify such applicants of the amount for which such applications are approved. Any applicant whose application is denied, or is approved for less than the amount of such application, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representative with respect to such application. Upon such hearing, the Commission may affirm, modify, or reverse its former action with respect to such application, including a denial or reduction in the amount of award theretofore approved. All findings of the Commission concerning the persons to whom compensation pursuant to this Act is payable, and the amounts thereof, shall be conclusive and not be reviewable by any court.

"SEC. 5. [*Payments; exchange rate; medium; extraterritorial claimants; purchasers of claims; Educational Programs Fund; reversion of funds to United States Treasury*]. (a) Each award made under this Act shall be certified to the Secretary of the Treasury in terms of United States currency on the basis of the rate of exchange (that is, P/2 equals $1) which was applied in the Philippine Rehabilitation Act of 1946 [former sections 1751—1806 of this Appendix], for payment out of sums appropriated pursuant to section 8 of this Act. Such payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe. Payments authorized under this Act shall be made in United States dollars or in Philippine pesos at the option of the Secretary of the Treasury; however, notwithstanding the last sentence of the first section of this Act, payment shall not be made outside of the Republic of the Philippines to any claimant residing outside the Republic of the Philippines unless he establishes to the satisfaction of the Commission that since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines an amount not less than the claims approved in his favor after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [former section 1752(a) of this Appendix]. Any balance of the appropriation made pursuant to section 8 remaining after the payments authorized by the first section of this Act have been made and after any administrative expenses incurred by the Commission in connection with such payments have been paid shall be paid into a special fund in the United States Treasury to be used for the purpose of furthering educational exchange and other educational programs to the mutual advantage of the Republic of the Philippines and the United States in such manner as the Presidents of those two Republics shall from time to time determine. There shall be withheld from the payment authorized by the preceding sentence a sum equal to the difference between $73,000,000 (less administrative expenses) and the total amount which would have been paid to the claimants under the provisions of Public Law 87-616, which sum shall revert to the general funds in the United States Treasury. The acceptance by any claimant of a payment under this Act shall be considered to be in full satisfaction and final settlement of all claims of such claimant arising out of awards for war damage compensation made by the Philippine War Damage Commission. Payment shall not be made under this Act on any claim filed under the Philippine Rehabilitation Act of 1946 [former sections 1751—1806 of this Appendix] or under this Act which was acquired from a predecessor in interest by purchase, except where such purchase was in the ordinary course of business in connection with the acquisition of all assets of a business firm.

"(b) Such of the records of the Philippine War Damage Commission as the Foreign Claims Settlement Commission may deem necessary for carrying out its functions under this Act shall be transferred to the Foreign Claims Settlement Commission.

"SEC. 6. [*Remuneration for services to applicants; prohibition against certain payments; penalties; forfeitures; recovery of payments*]. (a) The total remuneration on account of services rendered or to be rendered to or on behalf of any applicant in connection with any application filed under this Act shall not exceed 5 per centum of the amount paid by the Commission on account of such application. Any agreement to the contrary shall be unlawful and void. Whoever, subject to the jurisdiction of the United States, violates this subsection shall be fined not more than $5,000 or imprisoned for not more than one year, or both. Where any payment is made in violation of this subsection, the Commission shall take such action as may be appropriate to recover the same.

"(b) Notwithstanding the provisions of subsection (a), no sum shall be paid by any claimant directly or indirectly to, or received or accepted by, any former commissioner or employee of the Philippine War Damage Commission or their assigns, or any person employed by or associated with any such former commissioner or employee in connection with the preparation, filing, allowance, or collection of any claim under this Act, as compensation on account of services rendered or as reimbursement on account of expenses incurred in connection with any application filed under this Act. Whoever, subject to the jurisdiction of the United States, makes a payment in violation of the provisions of this subsection shall be fined not more than $5,000 or imprisoned for not more than one year or both. Whoever, subject to the jurisdiction of the United States, receives or accepts a payment in violation of this subsection, shall be fined not more than $5,000 or imprisoned for not more than five years or both. Whoever, subject to

the jurisdiction of the United States, receives or accepts a payment in violation of this subsection, shall forfeit to the Government of the United States a sum equal to three times the amount of such payment, and the Commission shall take action to recover such sum from the person receiving the payment.

"SEC. 7. [*Application of International Claims Settlement Act of 1949*]. For the purposes of carrying out this Act, the following provisions of the International Claims Settlement Act of 1949 [section 1621 et seq. of Title 22] shall, to the extent not inconsistent with this Act, be applicable in the administration of this Act: Subsections (c), (d), (e), and (i) of section 4 [section 1623 of Title 22]: subsections (d) and (e) of section 7 [section 1626 of Title 22]; and subsection (c) of section 7 [section 1626 of Title 22] except that with respect to applicants not subject to the jurisdiction of the United States, references in such subsection (c) to the Comptroller General of the United States shall be deemed to refer to the Secretary of the Treasury.

"SEC. 8. [*Appropriations for payment of awards and administrative expenses*]. There is authorized to be appropriated not more than $73,000,000 to make payments on awards certified pursuant to this Act, plus such additional sums as may be necessary for the administrative expenses of the Commission and of the Secretary of the Treasury in carrying out this Act."

EXTENSION OF CHARTERS; TERMINATION DATE

Joint Res. July 1, 1954, ch. 454, 68 Stat. 396, provided that: "Notwithstanding any other provisions of existing law, the Secretary of Commerce is authorized to extend and continue the present charters of vessels to citizens of the Republic of the Philippines, which charters were made and entered into under the terms of section 306 (a) of the Act of April 30, 1946 (Public Law 370, Seventy-ninth Congress) [former subsec. (a) of this section], and which charters were extended by the Secretary of Commerce under the terms of a joint resolution, approved June 30, 1953 (ch. 163, 67 Stat. 110). Such charters may be further extended for such periods of time and under such terms and conditions as the Secretary may, from time to time, determine to be required in the interest of the economy of the Philippines, but any such charter shall contain a provision requiring that the vessel shall be operated only in the inter-island commerce in the Philippines. No such vessel shall be continued under charter, as authorized herein, beyond the completion of the first voyage terminating after June 30, 1955."

Similar provisions were contained in the following acts:

1953—Joint Res. June 30, 1953, ch. 163, 67 Stat. 110.
1952—Joint Res. Apr. 30, 1952, ch. 242, 66 Stat. 65.

LIMITATION ON EXPENDITURES

Act July 23, 1946, ch. 591, title I, § 101, 60 Stat. 128, provided in part that the total expenditure under subsec. (a) of former section 1787 of this Appendix should not exceed $8,000,000.

RETURN AND INTERMENT OF PERSONS BURIED OUTSIDE UNITED STATES

ACT MAY 16, 1946, CH. 261, 60 STAT. 182

§§ 1811 to 1820. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653, 654.

Sections 1811—1820 of this Appendix terminated Dec. 31, 1951 under the provisions of former section 1818 of this Appendix. The sections remained in force as to any application under former sections 1813 and 1814 of this Appendix filed prior to Dec. 31, 1951.

Section 1811, acts May 16, 1946, ch. 261, § 1, 60 Stat. 182; Aug. 5, 1947, ch. 497, 61 Stat. 779, contained the Congressional declaration of purpose for former sections 1811—1820 of this Appendix.

Section 1812, acts May 16, 1946, ch. 261, § 2, 60 Stat. 183; Aug. 5, 1947, ch. 497, 61 Stat. 779; May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, provided for administration by Secretary of the Army of former sections 1811—1820 of this Appendix with exception of activities reserved for American Battle Monuments Commission by former section 1819 of this Appendix.

Section 1813, acts May 16, 1946, ch. 261, § 3, 60 Stat. 183; Aug. 5, 1947, ch. 497, 61 Stat. 779; May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, related to remains returnable and place of interment.

Section 1814, acts May 16, 1946, ch. 261, § 4, 60 Stat. 183; Aug. 5, 1947, ch. 497, 61 Stat. 779; May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, related to interment in military cemeteries outside United States.

Section 1815, acts May 16, 1946, ch. 261, § 5, 60 Stat. 183; Aug. 5, 1947, ch. 497, 61 Stat. 779; May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, provided for acquisition of land in foreign countries for establishment of cemeteries.

Section 1816, acts May 16, 1946, ch. 261, § 6, 60 Stat. 183; Aug. 5, 1947, ch. 497, 61 Stat. 779; May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, authorized Secretary of the Army to prescribe rules and regulations to carry out former sections 1811—1820 of this Appendix.

Section 1817, acts May 16, 1946, ch. 261, § 7, as added Aug. 5, 1947, ch. 497, 61 Stat. 779, and amended May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, related to appropriations.

Section 1818, act May 16, 1946, ch. 261, § 8, as added Aug. 5, 1947, ch. 497, 61 Stat. 779, provided for the termination of former sections 1811—1820 of this Appendix on Dec. 31, 1951. The sections remained in force as to any applications under former sections 1813 and 1814 of this Appendix filed prior to Dec. 31, 1951.

Section 1819, acts May 16, 1946, ch. 261, § 9, as added Aug. 5, 1947, ch. 497, 61 Stat. 779, and amended May 16, 1946, ch. 261, § 11, as added June 3, 1948, ch. 402, 62 Stat. 334, related to the duties and responsibilities of the American Battle Monuments Commission and the transfer to the Commission of the temporary administrative functions of the Secretary of the Army.

Section 1820, act May 16, 1946, ch. 261, § 10, as added June 3, 1948, ch. 402, 62 Stat. 334, related to allowances for escort personnel.

VETERANS' EMERGENCY HOUSING PROGRAM

ACT MAY 22, 1946, CH. 268, 60 STAT. 207

§ 1821. Repealed. June 30, 1947, ch. 163, title I, § 1 (a), 61 Stat. 193.

Section, act May 22, 1946, ch. 268, § 1, 60 Stat. 207, related to purpose, termination date, and applicability of the Veterans' Emergency Housing Act of 1946.

Effect of repeal on existing allocations and priorities, see section 1881 of this Appendix.

§ 1822. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653.

Section, acts May 22, 1946, ch. 268, § 2, 60 Stat. 208; June 30, 1947, ch. 163, title I, § 1(a), 61 Stat. 193; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, related to appointment, compensation, and functions of Housing Expediter.

ACT JUNE 30, 1948, CH. 775, 62 STAT. 1197

§ 1822a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 654.

Section, act June 30, 1948, ch. 775, § 101, 62 Stat. 1197, related to the administration of oaths by employees of the Office of the Housing Expediter.

ACT MAY 22, 1946, CH. 268, 60 STAT. 207

§§ 1823 to 1829. Repealed. June 30, 1947, ch. 163, title I, § 1 (a), 61 Stat. 193.

Sections, act May 22, 1946, ch. 268, §§ 3—9, 60 Stat. 209—212, were provisions of the Veterans' Emergency Housing Act of 1946 relating to prices, priorities, enforcement and appropriations.

CROSS REFERENCES

Effect on outstanding veterans' preference requirements, see section 1884 (a) (5) of this Appendix.

§ 1830. Amendments of National Housing Act.

CODIFICATION

Section, act May 22, 1946, ch. 268, § 10, 60 Stat. 212, amended sections 603 (a), 603 (b) (2), 603 (b) (5), 603 (c), 604 (b), 608 (b) (2), (3) (C) and 608 (c) of the National Housing Act, as amended, sections 1738 (a). 1738 (b) (2), 1738 (b) (5), 1738 (c), 1739 (b), 1743 (b) (2), (3) (C) and 1743 (c) of Title 12, Banks and Banking, respectively. The amendments are incorporated in the latter sections.

§§ 1831, 1832. Repealed. June 30, 1947, ch. 163, title I, § 1 (a), 61 Stat. 193.

Sections, act May 22, 1946, ch. 268, §§ 11, 12, 60 Stat. 214, 215, were provisions of the Veterans' Emergency Housing Act of 1946 relating to subsidies and guaranty of markets for prefabricated houses.

Effect of repeal on existing allocations and priorities, see section 1881 of this Appendix.

§ 1833. Saving clause.

CODIFICATION

Section, act May 22, 1946, ch. 268, § 13, 60 Stat. 215, contained a saving clause.

NAVAL VESSELS AS ATOMIC TARGETS

JOINT RES. JUNE 25, 1946, CH. 487, 60 STAT. 308

§§ 1841 to 1845. Omitted.

CODIFICATION

Sections, act June 25, 1946, ch. 487, 60 Stat. 308, relating to use of naval vessels as atomic targets terminated under the provisions of section 5 of said act June 25, 1946, on June 25, 1948.

ADMISSION OF ALIEN FIANCÉES INTO UNITED STATES

ACT JUNE 29, 1946, CH. 520, 60 STAT. 339

§§ 1851 to 1855. Omitted.

CODIFICATION

Sections, act June 29, 1946, ch. 520, 60 Stat. 339, relating to admission of alien fiancées, or fiancés of members of armed forces, expired on Dec. 31, 1948.

Section 1851 amended by acts June 28, 1947, ch. 160, 61 Stat. 190; Mar. 24, 1948, ch. 141, §§ 1, 2, 62 Stat. 84.

COMPLETION OF PROCESSING OF VISA CASES

Act Apr. 21, 1949, ch. 85, 63 Stat. 56, provided for the completion of processing of cases of the alien fiancés or fiancées of citizens of the United States pending on Dec. 31, 1948 under former sections 1851—1855 of this Appendix.

MILITARY ASSISTANCE TO PHILIPPINE REPUBLIC

ACT JUNE 26, 1946, CH. 500, 60 STAT. 315

§§ 1861 to 1866. Omitted.

CODIFICATION

Sections 1861—1866 of this Appendix terminated July 4, 1951, under the provisions of act June 26, 1946, ch. 500, § 8, 60 Stat. 316.

Section 1861, act June 26, 1946, ch. 500, § 2, 60 Stat. 315, authorized the President to provide military assistance upon application by the Philippines.

Section 1862, act June 26, 1946, ch. 500, § 3, 60 Stat. 315, related to the terms and conditions for military assistance to the Philippines.

Section 1863, act June 26, 1946, ch. 500, § 4, 60 Stat. 315, set forth condition precedent to the receipt of assistance.

Section 1864, act June 26, 1946, ch. 500, § 5, 60 Stat. 315, related to the detail of personnel of United States armed forces to Philippine Government and their compensation and emoluments.

Section 1865, act June 26, 1946, ch. 500, § 6, 60 Stat. 316, related to appropriations and limitation on amount of assistance.

Section 1866, act June 26, 1946, ch. 500, § 7, 60 Stat. 316, related to authority to promulgate rules and regulations, delegation of authority by President and transfer of property.

NAVAL AID TO CHINA

ACT JULY 16, 1946, CH. 580, 60 STAT. 539

§§ 1871, 1872. Omitted.

CODIFICATION

Section 1871, act July 16, 1946, ch. 580, § 1, 60 Stat. 539, relating to the furnishing of naval services, training and vessels to Republic of China and to restrictions on vessel disposals, terminated July 16, 1951 under the provisions of section 3 of act July 16, 1946.

Section 1872, act July 16, 1946, ch. 580, § 2, 60 Stat. 539, relating to the detail of Naval and Marine Corps personnel and restrictions on service, terminated July 16, 1951 under the provisions of section 3 of act July 16, 1946.

NAVAL AID TO FOREIGN NATIONS

ACT OF JULY 8, 1952

Sec.
1876. Loan of Naval vessels; period; extension; condition of return.

ACT OF AUG. 5, 1953

1878. Loan of two submarines to Italy.
1878a. Loan of aircraft carrier to France.
1878b. Condition of return of loaned vessels.
1878c. Availability of vessels for Far Eastern or European Nations; determination by Secretary of Defense; rules and regulations; limitations; reports to Congress; termination.
1878d. Expenses involved in making vessels available.

ACT OF JULY 18, 1958

1878e. Extension of loan to France; availability of vessels to European, Latin American, and Far Eastern nations; pool of vessels; rules and regulations.
1878f. Loans; periods and condition.
1878g. Charging of expenses; reimbursement.
1878h. Determination by Secretary of Defense; reports to Congress.
1878i. Termination of authority.

ACT OF JUNE 23, 1959

1878j. Extension of loans to Italy, Turkey, and Republic of China; terms and conditions; rules and regulations.
1878k. Periods of extensions.
1878l. Determination by Secretary of Defense; reports to Congress.

ACT OF JUNE 1, 1960

1878m. Extension of loan to Republic of China; terms and conditions; rules and regulations.
1878n. Periods of extension.
1878o. Determination by Secretary of Defense; reports to Congress.
1878p. Loan of submarine to Canada; period; extension; payment of expenses; termination.

ACT OF OCT. 4, 1961

1878q. Extensions of loan to Portugal and Spain; terms and conditions.
1878r. Periods of extensions.
1878s. Loans of naval vessels to friendly foreign nations from Reserve Fleet.
1878t. Periods of loans.
1878u. Expenses for vessels.
1878v. Determination by Secretary of Defense; report to Congress.
1878w. Rules and regulations.
1878x. Termination of authority.

ACT OF AUG. 14, 1964

1878y. Extension of certain loans.
1878z. Periods of extensions.

Sec.
1878aa. Determination by Secretary of Defense; reports to Congress.
1878bb. Rules and regulations.

ACT OF NOV. 5, 1965

1878cc. Loan of naval vessels to Italy and Spain; terms and conditions.
1878dd. Same; expenses involved in making vessels available.
1878ee. Sale or loan of naval vessels to Argentina and Brazil; terms and conditions.
1878ff. Same; expenses involved in making vessels available.
1878gg. Sale of vessels; striking from Naval Vessel Register; minimum amount.
1878hh. Loan of naval vessels to Turkey and Philippines; terms and conditions.
1878ii. Same; expenses involved in making vessels available.
1878jj. Periods of loans and extensions; condition.
1878kk. Determination by Secretary of Defense; notice to Congress.
1878ll. Rules and regulations.
1878mm. Termination of authority.

ACT OF APR. 16, 1966

1878nn. Loan of vessels to Republic of China from reserve fleet; terms and conditions.
1878oo. Expenses involved in making vessels available.
1878pp. Periods of loans and extensions; condition.
1878qq. Determination by Secretary of Defense; notice to Congress.
1878rr. Rules and regulations.
1878ss. Termination of authority.

ACT OF DEC. 26, 1967

1878tt. Extension of certain loans.
1878uu. Loan of vessels to Korea and China; termination of authority on December 31, 1969.
1878vv. Five-year period limitation on loans; discretionary extension; acts of warfare by recipient country; early termination.
1878ww. Determination of Secretary of Defense; reports to Congress.
1878xx. Rules and regulations.

PUBLIC LAW 91-682, JANUARY 12, 1971

1878yy. Extension of certain loans.
1878zz. Loan of vessels to Vietnam and Turkey; termination of authority on December 31, 1971.
1878zz-1. Five-year period limitations on loans; discretionary extension; acts of warfare by recipient country; early termination.
1878zz-2. Determination of Secretary of Defense; reports to Congress.
1878zz-3. Rules and regulations.

ACT OF AUG. 7, 1953

1879. Loan of two submarines to Turkey; period; condition of return; expenses.

ACT JULY 8, 1952, CH. 591, 66 STAT. 443

§ 1876. Loan of Naval vessels; period; extension; condition of return.

The President is authorized to lend to the Government of Japan not to exceed eighteen patrol frigates and fifty landing craft suitable for patrol purposes for use by that Government for an initial period of five years and upon request of the Government of Japan for an additional period of five years. The President shall, prior to the delivery of the vessels to the Government of Japan, conclude an agreement with that Government with respect to the loan of said vessels which shall include provisions for the return of the vessels in substantially the same condition as when loaned. (July 8, 1952, ch. 591, 66 Stat. 443.)

ACT AUG. 5, 1953, CH. 321, 67 STAT. 363

§ 1878. Loan of two submarines to Italy.

The President is authorized to lend to the Government of Italy, for a period of not more than five years, two submarines for use by that Government to provide training for Italian units in antisubmarine warfare. (Aug. 5, 1953, ch. 321, § 1, 67 Stat. 363.)

EXTENSION OF LOAN

For extension of loan authorized by this section, see sections 1878j—1878*l* and 1878y—1878bb of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878m, 1878q, 1878y, 1878tt of this Appendix.

§ 1878a. Loan of aircraft carrier to France.

The President is authorized to lend to the Government of France a small aircraft carrier until June 30, 1958. (Aug. 5, 1953, ch. 321, § 2, 67 Stat. 363; July 26, 1955, ch. 376, 69 Stat. 373.)

AMENDMENTS

1955—Act July 26, 1955, substituted "June 30, 1958" for "six months after the cessation of hostilities in Indochina, as determined by the President, or five years after the date of this Act [Aug. 5, 1953], whichever is earlier".

EXTENSION OF LOAN

Authority of President to extend loan of carrier until June 30, 1960, see section 1878e of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878m, 1878q, 1878y, 1878tt of this Appendix.

§ 1878b. Condition of return of loaned vessels.

The loan of the submarines and the aircraft carrier shall be made subject to the condition that they be returned in substantially the same condition as when loaned unless damaged or lost through enemy action. (Aug. 5, 1953, ch. 321, § 3, 67 Stat. 363.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878m, 1878q, 1878y, 1878tt of this Appendix.

§ 1878c. Availability of vessels for Far Eastern or European Nations; determination by Secretary of Defense; rules and regulations; limitations; reports to Congress; termination.

(a) Notwithstanding section 4 of the Act of March 10, 1951, or any other provision of law, the President is authorized to lend or otherwise make available to any friendly foreign nation in the Far Eastern or European area, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate, such naval vessels not larger than the destroyer type and not to exceed twenty-five in number, and such assorted minor miscellaneous craft, naval services, training, technical advice, facilities and equipment, as he may deem proper. No vessels shall be made available under this section unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines such transfer to be in the best interests of the United States. The President may, from time to time, promulgate such rules and regulations as he may deem necessary to carry out any of the provisions of this section.

(b) No information, plans, advice, material, documents, blueprints, or other papers bearing a secret or

top secret classification shall be communicated, transmitted, or disposed of under the authority of this section. The Secretary of Defense shall keep the respective Committees on Armed Services of the Senate and the House of Representatives currently advised of all transfers or other dispositions under this section.

(c) The authority of the President under this section shall terminate on December 31, 1957. (Aug. 5, 1953, ch. 321, § 4, 67 Stat. 363; Aug. 3, 1956, ch. 914, § 1, (a), (b), 70 Stat. 967.)

REFERENCES IN TEXT

Section 4 of the Act of Mar. 10, 1951, referred to in subsec. (a), was repealed by Act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See section 7307 of Title 10, Armed Forces.

AMENDMENTS

1956—Subsec. (a). Act Aug. 3, 1956, § 1 (a), inserted the words "or European" following "Far Eastern".

Subsec. (c). Act Aug. 3, 1956, § 1 (b), substituted "December 31, 1957" for "December 31, 1956".

EXTENSION OF LOAN

Extension of loan destroyers to the Government of the Republic of China, see sections 1878j—1878p of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878m, 1878q, 1878y, 1878tt of this Appendix.

§ 1878d. Expenses involved in making vessels available.

All expenses involved in the activation of the submarines, the carrier, and the other vessels including repairs, alterations, outfitting, and logistic support shall be charged to funds programed for the recipient Governments under the Mutual Security Act of 1954, as amended [chapter 24 of Title 22], or provided by the recipient Governments under reimbursable provisions of such Act. (Aug. 5, 1953, ch. 321, § 5, 67 Stat. 363; Aug. 3, 1956, ch. 914, § 1(c), 70 Stat. 967.)

REFERENCES IN TEXT

The Mutual Security Act of 1954, as amended, referred to in text, is now covered by section 2151 et seq. of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1956—Act Aug. 3, 1956, substituted "recipient Governments under the Mutual Security Act of 1954, as amended [chapter 24 of Title 22], or provided by the recipient Governments under reimbursable provisions of such act" for the words "respective Governments under the Mutual Security Act [former section 1651 et seq. of Title 22]".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878m, 1878q, 1878y, 1878tt of this Appendix.

PUB. L. 85-532, JULY 18, 1958, 72 STAT. 376

§ 1878e. Extension of loan to France; availability of vessels to European, Latin American, and Far Eastern nations; pool of vessels; rules and regulations.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend the loan of one aircraft carrier to the Government of France until June 30, 1960, and may in addition lend or otherwise make available to friendly foreign nations, from the reserve fleet, on such terms and under such conditions as he deems appropriate, destroyers, destroyer escorts, and submarines, as follows: (1) North Atlantic Treaty Organization and European Area (the Federal Republic of Germany, Greece, Italy, Norway, Spain and Turkey) not to exceed nineteen ships; (2) Latin American area (Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Peru and Uruguay) not to exceed eighteen ships; (3) far eastern area (Japan, Taiwan, and Thailand) not to exceed four ships; and (4) a pool of not to exceed two such ships to be loaned to friendly nations in an emergency. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878e to 1878i of this Appendix]. (Pub. L. 85-532, § 1, July 18, 1958, 72 Stat. 376.)

EXTENSION OF LOAN

Extension of loan authorized by this section, see sections 1878y—1878bb of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878b, 1878g, 1878h, 1878i, 1878y, 1878tt of this Appendix.

§ 1878f. Loans; periods and condition.

Loans under this Act [sections 1878e to 1878i of this Appendix] shall be for periods not exceeding five years. All loans shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 85-532, § 2, July 18, 1958, 72 Stat. 376.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878g, 1878h, 1878i, 1878y, 1878tt of this Appendix.

§ 1878g. Charging of expenses; reimbursement.

All expenses involved in the activation, rehabilitation, and outfitting, including repairs, alterations, and logistic support, of vessels transferred under this Act [sections 1878e to 1878i of this Appendix] shall be charged to funds programed for the recipient government under the Mutual Security Act of 1954, as amended [chapter 24 of Title 22], or to funds provided by the recipient government under the reimbursable provisions of that Act. In the event that a loan is terminated by the United States prior to the expiration of the loan period, the Secretary of Defense may reimburse the recipient government on a pro rata basis for funds provided by it under the reimbursable provisions of the Mutual Security Act of 1954, as amended [chapter 24 of Title 22], in connection with the loan. (Pub. L. 85-532, § 3, July 18, 1958, 72 Stat. 376.)

REFERENCES IN TEXT

The Mutal Security Act of 1954, as amended, referred to in text, is now covered by section 2151 et seq. of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878b, 1878h, 1878i, 1878y, 1878tt of this Appendix.

§ 1878h. Determination by Secretary of Defense; reports to Congress.

No vessel may be made available under this Act [sections 1878e to 1878i of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that its transfer is in the best interests of the United States. The

Secretary of Defense shall keep the Congress currently advised of all transfers under this Act [sections 1878e to 1878i of this Appendix] (Pub. L. 85–532, § 4, July 18, 1958, 72 Stat. 376.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878b, 1878g, 1878i, 1878y, 1878tt of this Appendix.

§ 1878i. Termination of authority.

The authority of the President to transfer naval vessels under this Act [sections 1878e to 1878i of this Appendix] terminates on December 31, 1960. (Pub. L. 85–532, § 5, July 18, 1958, 72 Stat. 376.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878b, 1878g, 1878h, 1878y, 1878tt of this Appendix.

PUB. L. 86–57, JUNE 23, 1959, 73 STAT. 90

§ 1878j. Extension of loans to Italy, Turkey, and Republic of China; terms and conditions; rules and regulations.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend the loan of two submarines to the Government of Italy, the loan of two submarines to the Government of Turkey, and the loan of two destroyers to the Government of the Republic of China on such terms and under such conditions as he deems are appropriate. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878j to 1878*l* of this Appendix].

The extension of the loans to Italy and the Republic of China authorized under this Act [sections 1878j to 1878*l* of this Appendix] are extensions of loans made under the authority granted by the Act of August 5, 1953 (67 Stat. 363) [sections 1878 to 1878d of this Appendix]. The extension of the loan to Turkey authorized under this Act [sections 1878j to 1878*l* of this Appendix] is an extension of the loan made under the authority granted by the Act of August 7, 1953 (67 Stat. 471) [section 1879 of this Appendix]. (Pub. L. 86–57, §§ 1, 2, June 23, 1959, 73 Stat. 90.)

CODIFICATION

Section comprises sections 1 and 2 of Pub. L. 86–57.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1878*l* of this Appendix.

§ 1878k. Periods of extensions.

Extensions shall be for periods of not to exceed five years and shall be made on the conditions that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 86–57, § 3, June 23, 1959, 73 Stat. 90.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878j, 1878*l* of this Appendix.

§ 1878*l*. Determination by Secretary of Defense; reports to Congress.

No loan may be extended under this Act [sections 1878j to 1878*l* of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all extensions made under authority of this Act [sections 1878j to 1878*l* of this Appendix] (Pub. L. 86–57, § 4, June 23, 1959, 73 Stat. 90.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1878j of this Appendix.

PUB. L. 86–482, JUNE 1, 1960, 74 STAT. 153

§ 1878m. Extension of loan to Republic of China; terms and conditions; rules and regulations.

Notwithstanding section 7307 of Title 10, United States Code, or any other law, the President may extend the loan of one destroyer to the Government of the Republic of China on such terms and under such conditions as he deems are appropriate. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878m to 1878p of this Appendix].

The extension of the loan authorized under this Act [sections 1878m to 1878p of this Appendix] is an extension of the loan made under the authority granted by the Act of August 5, 1953 (67 Stat. 363) [sections 1878 to 1878d of this Appendix]. (Pub. L. 86–482, §§ 1, 2, June 1, 1960, 74 Stat. 153.)

CODIFICATION

Section comprises sections 1 and 2 of Pub. L. 86–482.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1878a of this Appendix.

§ 1878n. Periods of extension.

Extension shall be for a period of not to exceed five years and shall be made on the condition that it may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 86–482, § 3, June 1, 1960, 74 Stat. 153.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878m, 1878a of this Appendix.

§ 1878*o*. Determination by Secretary of Defense; reports to Congress.

No loan may be extended under this Act [sections 1878m to 1878p of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all extensions made under authority of this Act [sections 1878m to 1878p of this Appendix]. (Pub. L. 86–482, § 4, June 1, 1960, 74 Stat. 153.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1878m of this Appendix.

§ 1878p. Loan of submarine to Canada; period; extension; payment of expenses; termination.

Notwithstanding section 7307 of Title 10, United States Code, or any other law, the President may, under conditions which he prescribes, lend one submarine to the Government of Canada for a period of not more than five years and may, in his discretion, extend such loan for an additional period of not more than five years. All expenses involved in the activation of this submarine including repairs, alterations, outfitting, and logistic support shall be paid

by the Government of Canada. The authority of the President to transfer a submarine under this section terminates on December 31, 1961. (Pub. L. 86–482, § 5, June 1, 1960, 74 Stat. 153.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878m, 1878o of this Appendix.

PUB. L. 87–387, OCT. 4, 1961, 75 STAT. 815

§ 1878q. Extensions of loans to Portugal and Spain; terms and conditions.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend the loans of two destroyer escorts to the Government of Portugal and two destroyers to the Government of Spain on such terms and under such conditions as he deems are appropriate.

The extensions of the existing loans authorized under this Act [sections 1878q to 1878x of this Appendix] are extensions of the loans made under the authority granted by the Act of August 5, 1953 (67 Stat. 363), as amended by the Act of August 3, 1956 (70 Stat. 967) [sections 1878 to 1878d of this Appendix]. (Pub. L. 87–387, §§ 1, 2, Oct. 4, 1961, 75 Stat. 815.)

CODIFICATION

Section comprises sections 1 and 2 of Pub. L. 87–387.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878t, 1878u, 1878v, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878r. Periods of extensions.

Extensions of existing loans shall be for a period of not to exceed five years and shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 87–387, § 3, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878t, 1878u, 1878v, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878s. Loans of naval vessels to friendly foreign nations from Reserve Fleet.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may, under conditions which he prescribes, lend or otherwise make available to friendly foreign nations from the Reserve Fleet, on such terms and under such conditions as he deems appropriate, destroyers, destroyer escorts, and submarines as follows: (1) North Atlantic Treaty Organization and European area, not to exceed six ships; (2) southern Asia, not to exceed two ships; (3) Far Eastern area, not to exceed six ships; and (4) a pool of not to exceed two such ships to be loaned to friendly nations in an emergency as a replacement for a ship, covered under an existing loan, lost by enemy action or an act of God. (Pub L. 87–387, § 4, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878g, 1878t, 1878u, 1878v, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878t. Periods of loans.

New loans executed under this Act [sections 1878q to 1878x of this Appendix] shall be for periods not exceeding five years. All loans shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 87–387, § 5, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878u, 1878v, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878u. Expenses for vessels.

All expenses involved in the activation, rehabilitation, and outfitting, including repairs, alterations, and logistic support of vessels transferred under this Act [sections 1878q to 1878x of this Appendix], shall be charged to funds programed for the recipient government under the Mutual Security Act of 1954, as amended, or successor legislation, or to funds provided by the recipient government. (Pub. L. 87–387, § 6, Oct. 4, 1961, 75 Stat. 815.)

REFERENCES IN TEXT

Mutual Security Act of 1954, referred to in text, was classified to chapter 24 of Title 22, Foreign Relations and Intercourse, and is now covered by section 2151 et seq. of Title 22.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878t, 1878v, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878v. Determination by Secretary of Defense; report to Congress.

No loan may be made or extended under this Act [sections 1878q to 1878x of this Appendix] unless the Secretary of Defense, after consulation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans or extensions made under authority of this Act [sections 1878q to 1878x of this Appendix]. (Pub. L. 87–387, § 7, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878t, 1878u, 1878w, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878w. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878q to 1878x of this Appendix]. (Pub. L. 87–387, § 8, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878t, 1878u, 1878v, 1878x, 1878tt, 1878yy of this Appendix.

§ 1878x. Termination of authority.

The authority of the President to transfer naval vessels under this Act [sections 1878q to 1878x of this Appendix] terminates on December 31, 1963. (Pub. L. 87–387, § 9, Oct. 4, 1961, 75 Stat. 815.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878q, 1878t, 1878u, 1878v, 1878w, 1878tt, 1878yy of this Appendix.

PUB. L. 88–437, AUG. 14, 1964, 78 STAT. 444

§ 1878y. Extension of certain loans.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as

he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, two submarines (Act of July 18, 1958 (72 Stat. 376)) [sections 1878e to 1878i of this Appendix]; (2) Brazil, two destroyers (Act of July 18, 1958 (72 Stat. 376)); (3) China, four destroyers (Act of August 5, 1953 (67 Stat. 363), as amended) [sections 1878 to 1878d of this Appendix]; (4) Germany, five destroyers (Act of July 18, 1958 (72 Stat. 376)); (5) Greece, four destroyers (Act of July 18, 1958 (72 Stat. 376)); (6) Italy, three submarines (Act of August 5, 1953 (67 Stat. 363), as amended, and Act of July 18, 1958 (72 Stat. 376)); (7) Japan, one submarine (Act of August 5, 1953 (67 Stat. 363)); four destroyers (Act of August 5, 1953 (67 Stat. 363) and Act of July 18, 1958 (72 Stat. 376)), and two destroyer escorts (Act of August 5, 1953 (67 Stat. 363)); (8) Netherlands, two submarines (Act of July 11, 1952 (66 Stat. 587), as amended); (9) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (10) Spain, one submarine and three destroyers (Act of July 18, 1958 (72 Stat. 376)); (11) Thailand, one destroyer escort (Act of July 18, 1958 (72 Stat. 376)); and (12) Turkey, five submarines (Act of August 7, 1953 (67 Stat. 471), as amended, and Act of July 18, 1958 (72 Stat. 376)). (Pub. L. 88-437, § 1, Aug. 14, 1964, 78 Stat. 444.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878z, 1878aa, 1878bb of this Appendix.

§ 1878z. Periods of extensions.

All loan extensions executed under this Act [sections 1878y to 1878bb of this Appendix] shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. They shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 88-437, § 2, Aug. 14, 1964, 78 Stat. 444.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878aa, 1878bb of this Appendix.

§ 1878aa. Determination by Secretary of Defense; reports to Congress.

No loan may be extended under this Act [sections 1878y to 1878bb of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all extensions made under authority of this Act [sections 1878y—1878bb of this Appendix]. (Pub. L. 88-437, § 3, Aug. 14, 1964, 78 Stat. 444.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878z, 1878bb of this Appendix.

§ 1878bb. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878y to 1878bb of this Appendix]. (Pub. L. 88-437, § 4, Aug. 14, 1964, 78 Stat. 444.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878z, 1878aa of this Appendix.

PUB. L. 89-324, NOV. 5, 1965, 79 STAT. 1214

§ 1878cc. Loan of naval vessels to Italy and Spain; terms and conditions.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may lend to friendly foreign nations, on such terms and conditions as he deems appropriate, ships from the reserve fleet as follows:

(1) Italy, two submarines, and (2) Spain, one helicopter carrier. (Pub. L. 89-324, title I, § 101, Nov. 5, 1965, 79 Stat. 1214.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878dd, 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878dd. Same; expenses involved in making vessels available.

All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title [sections 1878cc and 1878dd of this Appendix] shall be charged to funds provided by the recipient government under the reimbursable provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. (Pub. L. 89-324, title I, § 102, Nov. 5, 1965, 79 Stat. 1214.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in the text, is classified to chapter 32 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878ee. Sale or loan of naval vessels to Argentina and Brazil; terms and conditions.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may sell or lend, at his discretion, to friendly foreign nations of Latin America from the reserve fleet, on such terms and conditions as he deems appropriate, destroyers as follows:

(1) Argentina, two destroyers, Brazil, three destroyers. (Pub. L. 89-324, title II, § 201, Nov. 5, 1965, 79 Stat. 1214.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878ff, 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878ff. Same; expenses involved in making vessels available.

All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title [sections 1878ee to 1878gg of this Appendix] shall be charged to funds provided by the recipient government under the reimbursable provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. (Pub. L. 89-324, title II, § 202, Nov. 5, 1965, 79 Stat. 1214.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in the text, is classified to chapter 32 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878gg. Sale of vessels; striking from Naval Vessel Register; minimum amount.

Notwithstanding sections 7304 and 7305 of title 10, United States Code, should the President determine that the vessel or vessels shall be sold to the recipient government, said vessel or vessels shall be stricken from the Naval Vessel Register. The vessel or vessels shall be sold at not less than $1,000,000 each over and above any cost of activation, overhaul, or modification. All sales will be made pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation. (Pub. L. 89–324, title II, § 203, Nov. 5, 1965, 79 Stat. 1214.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in the text, is classified to chapter 32 of title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878ff, 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878hh. Loan of naval vessels to Turkey and Philippines; terms and conditions.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may lend to friendly foreign nations, on such terms and conditions as he deems appropriate, ships from the reserve fleet as follows:

(1) Turkey, two destroyers, and (2) the Philippines, one destroyer escort. (Pub. L. 89–324, title III, § 301, Nov. 5, 1965, 79 Stat. 1214.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878ii, 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878ii. Same; expenses involved in making vessels available.

All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title [sections 1878hh and 1878ii of this Appendix], shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. (Pub. L. 89–324, title III, § 302, Nov. 5, 1965, 79 Stat. 1214.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in the text, is classified to chapter 32 of title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878jj. Periods of loans and extensions; condition.

Loans executed under this Act [sections 1878cc—1878mm of this Appendix] shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. They shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 89–324, title IV, § 401, Nov. 5, 1965, 79 Stat. 1215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878kk, 1878*ll*, 1878mm of this Appendix.

§ 1878kk. Determination by Secretary of Defense; notice to Congress.

No sale or loan may be made under this Act [sections 1878cc to 1878mm of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such sale or loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all sales or loans made under authority of this Act [sections 1878cc to 1878mm of this Appendix]. (Pub. L. 89–324, title IV, § 402, Nov. 5, 1965, 79 Stat. 1215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878*ll*, 1878mm of this Appendix.

§ 1878*ll*. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878cc to 1878mm of this Appendix]. (Pub. L. 89–324, title IV, § 403, Nov. 5, 1965, 79 Stat. 1215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878kk, 1878mm of this Appendix.

§ 1878mm. Termination of authority.

The authority of the President to sell or lend naval vessels under this Act [sections 1878cc to 1878mm of this Appendix] terminates on December 31, 1967. (Pub. L. 89–324, title IV, § 404, Nov. 5, 1965, 79 Stat. 1215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878jj, 1878kk, 1878*ll* of this Appendix.

PUB. L. 89–398, APR. 16, 1966, 80 STAT. 121

§ 1878nn. Loan of vessels to Republic of China from reserve fleet; terms and conditions.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may lend one destroyer and one destroyer escort from the reserve fleet to the Republic of China on such terms and conditions as he deems appropriate. (Pub. L. 89–398, § 1, Apr. 16, 1966, 80 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878*oo*, 1878pp, 1878qq, 1878rr, 1878ss of this Appendix.

§ 1878*oo*. Expenses involved in making vessels available.

All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this Act [1878nn to 1878ss of this Appendix], shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. (Pub. L. 89–398, § 2, Apr. 16, 1966, 80 Stat. 121.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended referred to in the text, is classified to chapter 32 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878pp, 1878qq, 1878rr, 1878ss of this Appendix.

§ 1878pp. Periods of loans and extensions; condition.

Loans executed under this act [sections 1878nn to 1878ss of this Appendix] shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. All loans shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 89–398, § 3, Apr. 16, 1966, 80 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878oo, 1878qq, 1878rr, 1878ss of this Appendix.

§ 1878qq. Determination by Secretary of Defense; notice to Congress.

No loan may be made under this Act [sections 1878nn to 1878ss of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all extensions or loans made under authority of this Act [sections 1778nn to 1878ss of this Appendix]. (Pub. L. 89–398, § 4, Apr. 16, 1966, 80 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878oo, 1878pp, 1878rr, 1878ss of this Appendix.

§ 1878rr. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878nn to 1878ss of this Appendix]. (Pub. L. 89–398, § 5, Apr. 16, 1966, 80 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878oo, 1878pp, 1878qq, 1878ss of this Appendix.

§ 1878ss. Termination of authority.

The authority of the President to lend naval vessels under this Act [sections 1878nn to 1878ss of this Appendix] terminates on December 31, 1967. (Pub. L. 89–398, § 6, Apr. 16, 1966, 80 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878oo, 1878pp, 1878qq, 1878rr of this Appendix.

PUB. L. 90–224, DEC. 26, 1967, 81 STAT. 729

§ 1878tt. Extension of certain loans.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)) [sections 1878e to 1878i of this Appendix]; (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)) [sections 1878 to 1878d of this Appendix]; (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)), two destroyers (Act of October 4, 1961 (75 Stat. 815)) [sections 1878g to 1878x of this Appendix]; (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)). (Pub. L. 90–224, § 1, Dec. 26, 1967, 81 Stat. 729.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878vv, 1878ww, 1878xx of this Appendix.

§ 1878uu. Loan of vessels to Korea and China; termination of authority on December 31, 1969.

Notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with, or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provision of the Foreign Assistance Act of 1961, as amended [chapter 32 of Title 22], or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969. (Pub. L. 90–224, § 2, Dec. 26, 1967, 81 Stat. 729.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878vv, 1878ww, 1878xx of this Appendix.

§ 1878vv. Five-year period limitation on loans; discretionary extension; acts of warfare by recipient country; early termination.

All new loans and loan extensions executed under this Act [sections 1878tt to 1878xx of this Appendix] shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant

to this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 90-224, § 3, Dec. 26, 1967, 81 Stat. 729.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878ww, 1878xx of this Appendix.

§ 1878ww. Determination of Secretary of Defense; reports to Congress.

No loan may be made or extended under this Act [sections 1878tt to 1878xx of this title] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act. (Pub. L. 90-224, § 4, Dec. 26, 1967, 81 Stat. 730.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878vv, 1878xx of this Appendix.

§ 1878xx. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878tt to 1878xx of this title]. (Pub. L. 90-224, § 5, Dec. 26, 1967, 81 Stat. 730.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878vv, 1878ww of this Appendix.

PUB. L. 91-682, JAN. 12, 1971, 84 STAT. 2066

§ 1878yy. Extension of certain loans.

Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Greece, one submarine (Act of October 4, 1961 (75 Stat. 815)) [sections 1878q to 1878x of this Appendix] and, (2) Pakistan, one submarine (Act of October 4, 1961 (75 Stat. 815.)) (Pub. L. 91-682, § 1, Jan. 12, 1971, 84 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878zz-1, 1878zz-2, 1878zz-3 of this Appendix.

§ 1878zz. Loan of vessels to Vietnam and Turkey; termination of authority on December 31, 1971.

Notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend two destroyer escorts to the Republic of Vietnam and two destroyers and two submarines to the Government of Turkey in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended [chapter 32 of Title 22], or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1971. (Pub. L. 91-682, § 2, Jan. 12, 1971, 84 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878zz-1, 1878zz-2, 1878zz-3 of this Appendix.

§ 1878zz-1. Five-year period limitation on loans; discretionary extension; acts of warfare by recipient country; early termination.

All new loans and loan extensions executed under this Act [sections 1878yy to 1878zz-3 of this Appendix] shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States. (Pub. L. 91-682, § 3, Jan. 12, 1971, 84 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878zz-2, 1878zz-3, of this Appendix.

§ 1878zz-2. Determination of Secretary of Defense; reports to Congress.

No loan may be made or extended under this Act [sections 1878yy to 1878zz-3 of this Appendix] unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act. (Pub. L. 91-682, § 4, Jan. 12, 1971, 84 Stat. 2067.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878zz-1, 1878zz-3, of this Appendix.

§ 1878zz-3. Rules and regulations.

The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act [sections 1878yy to 1878zz-3 of this Appendix]. (Pub. L. 91-682, § 5, Jan. 12, 1971, 84 Stat. 2067.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1878zz-1, 1878zz-2, of this Appendix.

ACT AUG. 7, 1953, CH. 347, 67 STAT. 471

§ 1879. Loan of two submarines to Turkey; period; condition of return; expenses.

The President is authorized to lend to the Government of Turkey for a period of not more than five years, two submarines. The President shall, prior to the delivery of the submarines to the Government of Turkey, conclude an agreement with the Government providing for the return of the submarines in accordance with the provisions of this Act [section] and in substantially the same condition as when loaned. All expenses involved in the activation of the submarines including repairs, alterations, outfitting, and logistic support shall be charged to funds programed for the Turkish Government under the Mutual Security Act [former section 1651 et seq. of Title 22]. (Aug. 7, 1953, ch. 347, 67 Stat. 471.)

REFERENCES IN TEXT

The Mutual Security Act, referred to in text, is now covered by section 2151 et seq. of Title 22, Foreign Relations and Intercourse.

EXTENSION OF LOAN

For extension of loan authorized by this section, see sections 1878j—1878*l* of this Appendix.

HOUSING AND RENT ACTS

ACTS JUNE 30, 1947, CH. 163, 61 STAT. 193; MAR. 30, 1948, CH. 161, 62 STAT. 93; MAR. 30, 1949, CH. 42, 63 STAT. 18; JUNE 23, 1950, CH. 354, 64 STAT. 255

Sec.
TITLE I—AMENDMENTS TO EXISTING LAW
1881 to 1883. Omitted.
1884. Veterans' priority in sale or rental of housing accommodations; definitions; regulations; penalties; termination date.
TITLE II—MAXIMUM RENTS
1891 to 1894. Omitted.
1894a. Defense Areas Advisory Committee; creation; composition; duties.
1895 to 1903. Omitted.
1904. Repealed.
1905 to 1910. Omitted.

TITLE I—AMENDMENTS TO EXISTING LAW

§§ 1881 to 1883. Omitted.

CODIFICATION

Section 1881, acts June 30, 1947, ch. 163, title I, § 1, 61 Stat. 193; Mar. 30, 1948, ch. 161, title I, § 2, 62 Stat. 93, repealed in part Veterans' Emergency Housing Act of 1946, former sections 1821, 1822 (b—d), 1823—1829, 1831 and 1832 of this Appendix. Proviso clause continuing allocations made or priorities granted for delivery of housing materials or facilities under regulation issued under the Act and before June 30, 1947, was omitted as obsolete.

Section 1882, act June 30, 1947, ch. 163, title I, § 2, 61 Stat. 193, extended the limitation date of the mortgage insurance provisions of section 1738 (a) of Title 12, Banks and Banking, from June 30, 1947 to Mar. 31, 1948.

Section 1883, act June 30, 1947, ch. 163, title I, § 3, 61 Stat. 193, amended title VI of the National Housing Act, as amended, sections 1736—1743 of Title 12, Banks and Banking, by adding section 609, relating to insurance of loans for manufacture of houses, the provisions of which are classified to section 1744 of Title 12.

§ 1884. Veterans' priority in sale or rental of housing accommodations; definitions; regulations; penalties; termination date.

(a) In order to assure preference or priority to veterans of World War II and of the Korean conflict or their families—

(1) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to persons other than veterans of World War II and of the Korean conflict or their families, unless such housing accommodations have been publicly offered for sale exclusively to veterans of world War II and of the Korean conflict or their families (a) during the period of construction or conversion and for thirty days thereafter, prior to a sale or offering for sale to such nonveterans, and (b) for a period of seven days prior to a resale, or an offering for resale, to such nonveterans; and

(2) no housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, rented or rerented to persons other than veterans of World War II and of the Korean conflict or their families, unless such housing accommodations have been publicly offered for rent exclusively to veterans of World War II and of the Korean conflict or their families (a) during the period of construction or conversion and for thirty days thereafter, prior to a first renting or offering for rent to such nonveterans, and (b) for a period of seven days prior to a subsequent renting, or offering for rent, to such nonveterans; and

(3) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to any person at a price less than the price for which it had been last offered for sale to veterans of World War II and of the Korean conflict or their families for at least seven days: *Provided, however,* That in no event shall the public offering period to veterans of World War II and of the Korean conflict or their families total less than thirty days in any first or original sale as required by paragraph (1) of this subsection; and

(4) no housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, or rented or rerented, to any person at a price less than the price for which it had been last offered for rent to veterans of World War II and of the Korean conflict or their families for at least seven days: *Provided, however,* That in no event shall the public offering period to veterans of World War II and of the Korean conflict or their families total less than thirty days in any first or original renting as required by paragraph (2) of this subsection.

(b) As used in this section—

(1) the term "person" shall include an individual, corporation, partnership, association or any other organized group of persons, or a representative of any of the foregoing.

(2) the term "housing accommodations" shall include, without limitation, any building, structure, or part thereof, or land appurtenant there-

to, or any real or personal property, designed, constructed, or converted for dwelling or residential purposes, together with all privileges, services or facilities in connection therewith; industrially made or prefabricated houses, sections, panels, or their aggregate as a "package", designed or constructed for dwelling or residential purposes; and a certificate, deposit, membership, stock interest, or undivided interest in real estate, under a cooperative mutual ownership or similar plan, which carries with it the right of occupancy of individual dwelling units.

(c) The President is authorized to issue regulations and orders prescribing the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans of World War II and of the Korean conflict or their families and such other regulations or orders as he may deem necessary in the public interest to effectuate the provisions of this section. The President is further authorized to grant such exceptions to the provisions of this section for persons engaged in national defense activities and for hardship cases as he may deem appropriate.

(d) Any person who willfully violates any provision of this section shall, upon conviction thereof, be subject to a fine of not more than $5,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

(e) This section shall cease to be in effect at the close of April 30, 1954, or upon the date that the President proclaims that the protection to veterans of World War II and of the Korean conflict or their families provided by this section is no longer needed, whichever date is the earlier, except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this title [section 1744 of Title 12 and this section] and regulations and orders issued thereunder shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

(f) For the purposes of this section, any parent of a member of the armed forces of the United States who lost his life in the armed services of the United States since September 16, 1940, shall be considered to be a member of the family of a veteran of World War II and of the Korean conflict. (June 30, 1947, ch. 163, title I, § 4, 61 Stat. 195; Feb. 27, 1948, ch. 77, § 1, 62 Stat. 37; Mar. 30, 1948, ch. 161, title I, § 3, 62 Stat. 93; Mar. 30, 1949, ch. 42, title I, § 2, 63 Stat. 18; June 23, 1950, ch. 354, § 2, 64 Stat. 255; June 30, 1951, ch. 198, § 2(a), 65 Stat. 110; July 31, 1951, ch. 275, title II, §§ 202(a), 211, 65 Stat. 145; June 30, 1952, ch. 530, title II, § 201(a), 66 Stat. 306; Apr. 30, 1953, ch. 31, § 2, 67 Stat. 24.)

AMENDMENTS

1953—Act Apr. 30, 1953, extended the termination date from Apr. 30, 1953, to Apr. 30, 1954, and made provisions applicable to veterans of the Korean conflict.

1952—Subsec. (e). Act June 30, 1952, extended section from June 30, 1952 to Apr. 30, 1953.

1951—Subsec. (c). Act July 31, 1951, § 211 (a), extended provisions of section to persons engaged in national defense activities.

Subsec. (e). Act July 31, 1951 extended provisions of section from July 31, 1951 to June 30, 1952. Act June 30, 1951, extended section from June 30, 1951 to July 31, 1951.

Subsec. (f). Act July 31, 1951, § 211 (c), added subsec. (f).

1950—Subsec. (e). Act June 23, 1950, substituted "June 30, 1951" for "June 30, 1950".

1949—Act Mar. 30, 1949, added provisions to insure that there shall be a veterans' preference period of 7 days on a new offering at a lower price and that in no case shall the public offering period to veterans total less than 30 days in any first or original sale or first or original renting, and added subsec. (e) providing for the termination of the section at the close of June 30, 1950.

1948—Subsec. (a). Act Mar. 30, 1948, substituted "April 1, 1949" for "April 1, 1948" wherever appearing. Act Feb. 27, 1948 substituted "April 1, 1948" for "March 1, 1948", wherever appearing.

CHANGE OF NAME

The President was substituted for the Housing Expediter wherever appearing by act July 31, 1951, § 202 (a).

SHORT TITLE

Section 1 of act Apr. 30, 1953, provided that act Apr. 30, 1953, enacting amendments to act June 30, 1947, might be cited as the "Housing and Rent Act of 1953".

Section 1 of act June 23, 1950, provided that act June 23, 1950, enacting amendments to act June 30, 1947, should be popularly known as the "Housing and Rent Act of 1950".

Section 1 of act Mar. 30, 1949, provided that act Mar. 30, 1949, enacting amendments to act Mar. 30, 1948, should be popularly known as the "Housing and Rent Act of 1949."

Section 1 of act Mar. 30, 1948, provided that act Mar. 30, 1948, enacting amendments to act June 30, 1947, should be popularly known as the "Housing and Rent Act of 1948."

Section 213 of title II of act June 30, 1947, provided that this act [June 30, 1947] may be cited as the "Housing and Rent Act of 1947."

SEPARABILITY OF PROVISIONS

Section 305 of act Mar. 30, 1948, provided: "If any provision of this Act [section 1001 of former Title 5 and sections 1881, 1884, 1892, 1894, 1896, 1899, 1901, 1903—1906 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act, and the applicability of such provision to other persons or circumstances, shall not be affected thereby."

Title III, section 301, of act June 30, 1947, provided: "If any provision of this Act [section 1001 of former Title 5; sections 1738 and 1744 of Title 12; sections 1881—1902 of this Appendix] or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Act [said sections], and the applicability of such provision to other persons or circumstances, shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 551, 701; title 42 sections 1582, 1587.

TITLE II—MAXIMUM RENTS

§§ 1891 to 1894. Omitted.

CODIFICATION

Section 1891, act June 30, 1947, ch. 163, title II, § 201, 61 Stat. 196, stated the congressional declaration of policy for controls for rental housing accommodations in defense-rental areas.

Section 1892, acts June 30, 1947, ch. 163, title II, § 202, 61 Stat. 196; Mar. 10, 1948, ch. 161, title II, § 201, 62 Stat. 93; Mar. 30, 1949, ch. 42, title II, § 201, 63 Stat. 19; July 31, 1951, ch. 275, title II, §§ 202(a), 206, 207 (a), (b), 208, 65 Stat. 145, 148, defined terms used in sections 1891—1894 and 1895—1902 of this Appendix.

Section 1893 acts June 30, 1947, ch. 163, title II, § 203, 61 Stat. 197; Mar. 30, 1949, ch. 42, title II, § 202, 63 Stat. 21; July 31, 1951, ch. 275, title II, § 202(a), 65 Stat. 145, terminated rent control under the Emergency Price Control Act of 1942 after July 1, 1947.

Section 1894, acts June 30, 1947, ch. 163, title II, § 204, 61 Stat. 197; Feb. 27, 1948, ch. 77, § 2, 62 Stat. 37; Mar. 30, 1948, ch. 161, title II, § 202, 62 Stat. 94; Mar. 30, 1949, ch. 42, title II, § 203, 63 Stat. 21; June 23, 1950, ch. 354, §§ 3—5, 64 Stat. 255; Dec. 20, 1950, ch. 1139, §§ 1, 2, 64 Stat. 1113; Mar. 23, 1951, ch. 14, 65 Stat. 7; June 30, 1951, ch. 198, § 2 (b), (c), 65 Stat. 111; July 31, 1951, ch. 275, title II, §§ 201, 203 (a), (b), 203, 207(c), 209 65 Stat. 144, 145, 148, 149; June 30, 1952, ch. 530, title II, §§ 201(b), 202, 66 Stat. 306; July 15, 1952, ch. 758, ch. XII, § 1201, 66 Stat. 657; Apr. 30, 1953, ch. 31, §§ 3—7, 67 Stat. 24, provided for rent control under sections 1891—1894 and 1895—1902 of this Appendix, prescribed procedures, empowered the President to remove controls, to promulgate rules and regulations and to create local advisory boards, and declared that the provisions of such sections shall cease to be in effect at the close of Sept. 30, 1952, except for certain areas where they ceased to be in effect at the close of Apr. 30, 1953.

§ 1894a. Defense Areas Advisory Committee; creation; composition; duties.

The Director of Defense Mobilization is authorized to appoint a Defense Areas Advisory Committee to advise him in connection with the exercise of any function or authority vested in him by section 204 (*l*) of the Housing and Rent Act of 1947, as amended [section 1894 (*l*) of this Appendix], or section 101 of the Defense Housing and Community Facilities and Services Act of 1951, as amended [section 1591 of Title 42], or by delegation thereunder, with respect to determining any area to be a critical defense housing area. Any committee so appointed shall consist, in addition to a chairman, of representatives of the Department of Defense, and the Housing and Home Finance Agency. Any Federal agency shall, to the fullest practicable extent, furnish such information in its possession to the Defense Areas Advisory Committee as such Committee may request from time to time relevant to its operations. (June 30, 1952, ch. 530, title II, § 203, 66 Stat. 307; Apr. 30, 1953, ch. 31, § 10, 67 Stat. 25.)

AMENDMENTS

1953—Act Apr. 30, 1953, changed the composition of the Committee in order to eliminate the necessity of representation on the Committee of the Office of Rent Stabilization.

TRANSFER OF FUNCTIONS

Functions vested by any statute in the Director of Defense Mobilization or in the Office of Defense Mobilization provided for in Executive Order No. 10193, Dec. 16, 1950, 15 F.R. 9031, were transferred to the Director of the Office of Defense Mobilization by 1953 Reorg. Plan No. 3, § 2(d), eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out as a note under section 404 of Title 50, War and National Defense. The functions of his office were subsequently transferred to the Director of the Office of Emergency Preparedness.

§§ 1895 to 1903. Omitted.

Section 1895, acts June 30, 1947, ch. 163, title II, § 205, 61 Stat. 199; Mar. 30, 1949, ch. 42, title II, § 204, 63 Stat. 27; July 31, 1951, ch. 275, title II, § 204, 65 Stat. 147, authorized suits for damages for violations of sections 1891—1894 and 1895—1902 of this Appendix.

Section 1896, acts June 30, 1947, ch. 163, title II, § 206, 61 Stat. 199; Mar. 30, 1948, ch. 161, title II, § 203, 62 Stat. 98; Mar. 30, 1949, ch. 42, title II, § 205, 63 Stat. 27; July 31, 1951, ch. 275, title II, § 202 (a), (c), 205, 65 Stat. 144, 148, related to prohibitions and enforcement.

Section 1897, act June 30, 1947, ch. 163, title II, § 207, 61 Stat. 200, prohibited maintenance of actions for certain past violations.

Section 1898, acts June 30, 1947, ch. 163, title II, § 208, 61 Stat. 200; July 31, 1951, ch. 275, title II, § 202 (2), (d), 65 Stat. 145; Apr. 30, 1953, ch. 31, § 8, 67 Stat. 25, related to property, personnel, and appropriations.

Section 1899, acts June 30, 1947, ch. 163, title II, § 209, 61 Stat. 200; Mar. 30, 1948, ch. 161, title II, § 204, 62 Stat. 98; Mar. 30, 1949, ch. 42, title II, § 206, 63 Stat. 29; July 13, 1951, ch. 275, title II, § 202(a), 65 Stat. 145, empowered the President to regulate speculative or manipulative renting or leasing practices.

Section 1900, acts June 30, 1947, ch. 163, title II, § 210, 61 Stat. 201; Mar. 30, 1948, ch. 161, title II, § 301, 62 Stat. 99, amended section 2(a) of the Administrative Procedure Act.

Section 1901, act June 30, 1947, ch. 163, title II, § 211, 61 Stat. 201, stated the territorial applicability of sections 1891—1894 and 1895—1902 of this Appendix.

Section 1902, act June 30, 1947, ch. 163, title II, § 212, 61 Stat. 201, prescribed the effective date of sections 1891—1894 and 1895—1902 of this Appendix.

Section 1903, act Mar. 30, 1948, ch. 161, title III, § 302, 62 Stat. 99, provided that nothing in act Mar. 30, 1948, shall be construed to require any person to offer any housing accommodations for rent.

§ 1904. Repealed. Mar. 30, 1949, ch. 42, title III, § 302, 63 Stat. 29.

Section, act Mar. 30, 1948, ch. 161, title III, § 303, 62 Stat. 100, related to reimposition of rent ceilings after decontrol.

EFFECTIVE DATE

Section 305 of act Mar. 30, 1949, ch. 42, title III, 63 Stat. 29, provided that repeal of this section should be effective as of Apr. 1, 1949.

§§ 1905 to 1910. Omitted.

CODIFICATION

Section 1905, act Mar. 30, 1948, ch. 161, title III, § 304, 62 Stat. 100, which amended section 1413a of Title 42, relating to recovery of possession of housing accommodations, omitted as section 1413a of Title 42 has been executed.

Section 1906, act Mar. 30, 1948, ch. 161, title III, § 306, 62 Stat. 100, prescribed the effective date of the Housing and Rent Act of 1948.

Section 1907, act Mar. 30, 1949, ch. 42, title III, § 301, 63 Stat. 29, related to non-offer of housing accommodations.

Section 1908, act Mar. 30, 1949, ch. 42, title III, § 303, 63 Stat. 29, related to separability of provisions.

Section 1909, act Mar. 30, 1949, ch. 42, title III, § 304, 63 Stat. 29, amended section 1738(a) of Title 12.

Section 1910, act Mar. 30, 1949, ch. 42, title III, § 305, 63 Stat. 29, prescribed the effective date of the Housing and Rent Act of 1949.

STABILIZATION OF ECONOMY AND COMMODITY PRICES

ACT DEC. 30, 1947, CH. 526, 61 STAT. 945

Sec.
1911. Declaration of purpose.
1912 to 1915. Omitted.
1916. Critical shortages; recommendations by President: public hearings.
1917. Production of foods in non-European foreign countries.
1918. Food and conservation program; appropriations: administrative expenses.
1919. Authorizations for appropriations.

§ 1911. Declaration of purpose.

The purposes of this joint resolution [sections 1911 and 1916 to 1919 of this Appendix] are to aid in stabilizing the economy of the United States, to aid in curbing inflationary tendencies, to promote the orderly and equitable distribution of goods and facilities, and to aid in preventing maldistribution of goods and facilities which basically affect the cost of living or industrial production. (Dec. 30, 1947, ch. 526, § 1, 61 Stat. 945.)

REFERENCES IN TEXT

This joint resolution, referred to in the text, was formerly classified to sections 1911—1919 of this Appendix.

However, sections 1912—1915 of this Appendix expired by their own terms.

EX. ORD. NO. 9919. DELEGATION OF AUTHORITY AND ESTABLISHMENT OF PROCEDURES UNDER SECTIONS 1911 AND 1916—1919 OF THIS APPENDIX

Ex. Ord. No. 9919, Jan. 5, 1948, 13 F. R. 59, provided:

By virtue of the authority vested in me by the joint resolution approved December 30, 1947 (Public Law 395, 80th Congress) [sections 1911 and 1916—1919 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. The authority to consult with representatives of industry, business, and agriculture with a view to encouraging the making of voluntary agreements or plans provided for in section 2 of the said joint resolution of December 30, 1947 [former section 1912 of this Appendix] (hereinafter referred to as the joint resolution), and the authority to approve any such agreements or plans and to make written requests for compliance with any such agreements or plans is delegated severally to the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Director of the Office of Defense Transportation as provided in paragraphs 2, 3, 4, and 5 hereof: *Provided, however,* that no such agreement or plan shall be approved by any of such officers unless it is first submitted to and approved by the Attorney General. The consultation above referred to may be through advisory committees approved by the appropriate governmental officer or agency as representative of the various segments of the industry involved. Prior to submitting any such proposed agreement or plan to the Attorney General the appropriate governmental officer or agency shall give industry, labor, and the public generally an opportunity to present their views with respect to the agreement or plan. The submission of the proposed agreement or plan to the Attorney General shall be accompanied by the favorable recommendation of the head of the appropriate department or agency and by a statement of (a) the circumstances which require the proposed agreement or plan, (b) the means by which the agreement or plan will be carried out, (c) the effect of the agreement or plan on persons and industries affected, including where appropriate the proposed degree of curtailment in amount and prospective use of any material, commodity, or product by any processor or user thereof, and the formulae for such curtailment, (d) the criteria used in the establishment of such formulae, and (e) the factual evidence on which the recommendation for approval is made, showing which information, if any, is subject to restrictions for reasons of military security.

2 (a). The authority delegated to the Secretary of the Interior by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of fuels.

(b). For the purposes of this order the term "fuels" means coal, coke, petroleum and petroleum products, and natural and manufactured gas.

3 (a). The authority delegated to the Secretary of Agriculture by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of agricultural commodities and with respect to speculative trading on commodity exchanges.

(b). For the purposes of this order, the term "agricultural commodities" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by human beings or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary of Agriculture shall determine. For the purposes of this order, the term "agricultural commodities" shall also include all starches, sugars, fats and oils of animal, vegetable, or marine origin (including oil seeds and other oil bearing materials, fatty acids, soap and soap powder), cotton, tobacco, wool, hemp, flax fiber, and alcohol, and also such other commodities and products as the President may designate.

4 (a). The authority delegated to the Director of the Office of Defense Transportation by paragraph 1 hereof shall be exercised by him with respect to allocation of transportation facilities and equipment.

(b). The powers, authority, and discretion conferred on the President by section 4 (a) of the joint resolution [former section 1914 (a) of this Appendix] with respect to the use of transportation equipment and facilities by rail carriers are hereby included within the powers, authority, and discretion delegated to the Director of the Office of Defense Transportation under Executive Order No. 8989 of December 18, 1941 (6 F. R. 6725), as amended by Executive Order No. 9389 of October 18, 1943 (8 F. R. 14183), Executive Order No. 9156 of May 2, 1942 (7 F. R. 3349), Executive Order No. 9214 of August 5, 1942 (7 F. R. 6097), and Executive Order No. 9729 of May 23, 1946 (11 F. R. 5641). The said Executive orders are amended accordingly.

5. The authority delegated to the Secretary of Commerce by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of scarce commodities which basically affect the cost of living or industrial production, other than fuels as provided in paragraph 2, agricultural commodities as provided in paragraph 3, and transportation facilities and equipment as provided in paragraph 4.

6. The Secretary of Agriculture is hereby authorized to carry out a program for the conservation of food and feed and for that purpose to exercise the authority conferred upon the President by section 8 of the joint resolution [section 1918 of this Appendix].

7. The Secretary of Commerce is hereby authorized to continue exercising the powers, authority, and discretion conferred upon the President by section 6 of the act of July 2, 1940, 54 Stat. 714, as amended [former section 701 of this Appendix]. Such powers, authority, and discretion, and the powers, authority, and discretion vested in the President by section 3 of the joint resolution [former section 1913 of this Appendix] are hereby included within the delegation made to the Secretary of Commerce by Executive Order No. 9630 of September 27, 1945 (10 F. R. 12245) [set out as a note under section 601 of this Appendix], and the said Executive order is modified accordingly.

8. Each governmental officer or agency exercising authority delegated under this order shall, in exercising such authority, consult with other agencies or committees having special information or sources of such information about the supply of or demand for the materials, commodities, or facilities involved and with other agencies or committees having responsibilities related to such authority. Each agency shall establish such committees and other working groups as may be appropriate to consult with and obtain the advice of other agencies.

9. Nothing in this order shall be deemed to affect the powers, authority, or discretion delegated to the Secretary of Agriculture by Executive Order No. 9915 of December 30, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1916, 1919 of this Appendix.

§§ 1912 to 1915. Omitted.

CODIFICATION

Section 1912, acts Dec. 30, 1947, ch. 526, § 2, 61 Stat. 945; Feb. 9, 1949, ch. 6, 63 Stat. 5, relating to voluntary agreements, expired by its own terms on Sept. 30, 1949.

Section 1913, act Dec. 30, 1947, ch. 526, § 3, 61 Stat. 946, amending section 701 of this Appendix, expired on Feb. 28, 1949 where section 701 expired.

Section 1914, act Dec. 30, 1947, ch. 526, § 4, 61 Stat. 946, relating to allocation of transportation facilities and grain, expired on Feb. 28, 1949 as to transportation facilities and on Jan. 31, 1948 as to grain.

Section 1915, act Dec. 30, 1947, ch. 526, § 5, 61 Stat. 946, relating to delegation of President's authority under former sections 701 and 1912 of this Appendix, expired with the expiration of those sections.

§ 1916. Critical shortages; recommendations by President; public hearings.

(a) Whenever the President shall determine that there is or threatens to be a critical shortage of any

raw material, commodity, or product which jeopardizes the health or safety of the people of the United States or its national security or welfare and that there is no prospect that such critical shortage may soon be remedied by an increase in the available supply without additional governmental action and that the situation cannot be solved by voluntary agreement under the provisions of this Act [sections 1911 and 1916 to 1919 of this Appendix], he may prepare proposed measures for conserving such raw material, commodity, or product which he shall submit to the Congress in the following form:

(1) A statement of the circumstances which, in the President's judgment, require the proposed conservation measures.

(2) A detailed procedure for the administration of the proposed measures including the additional budget and additional personnel required for their enforcement.

(3) The proposed degree of curtailment in current and prospective use of each such raw material, commodity, or product by each processor and/or user thereof, including the specific formulae proposed for such curtailment with respect to each class or classes of processors or users and the criteria used in the establishment of such formulae.

(4) A complete record of the factual evidence upon which his recommendations are based, including all information provided by any agency of the Federal Government which may have been made available to him in the course of his consideration of the matter.

(b) Within fifteen days after the submission of such proposed conservation measures, the Joint Economic Committee shall conduct public hearings thereon and shall make such recommendations to the Congress for legislative action as in its judgment the recommendations of the President and any additional information disclosed at the public hearings may require. (Dec. 30, 1947, ch. 526, § 6, 61 Stat. 947; June 18, 1956, ch. 399, § 2, 70 Stat. 290.)

CHANGE OF NAME

The "Joint Committee on the Economic Report" was changed to the "Joint Economic Committee" by act June 18, 1956.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1911, 1919 of this Appendix.

§ 1917. Production of foods in non-European foreign countries.

Notwithstanding any other provision of law, in order to alleviate and prevent shortages in foods, agricultural commodities, and products thereof, Commodity Credit Corporation is authorized to carry out projects to stimulate and increase the production of foods, agricultural commodities, and products thereof, in non-European foreign countries. Such projects may include procurement, the making of advances and price guaranties, the furnishing of technical information and assistance, the furnishing of seed, fertilizer, machinery, equipment and other materials, and such other actions as are necessary or incident to the carrying out of such projects: *Provided*, That any such program is first submitted to Congress by the Secretary of Agriculture, and is not disapproved by concurrent resolution of Congress within sixty days thereafter. (Dec. 30, 1947, ch. 526, § 7, 61 Stat. 947.)

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F. R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of the Corporations of the Department of Agriculture, the boards of directors and officers of such corporations; the Advisory Board of the Commodity Credit Corporation; and the Farm Credit Administration or any agency, officer or entity of, under, or subject to the supervision of the Administration were excepted from the functions of officers, agencies and employees transferred to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1911, 1916, 1919 of this Appendix.

§ 1918. Food and conservation program; appropriations; administrative expenses.

(a) In order to alleviate shortages in foods and feeds, and to assist in stabilizing prices, the President shall carry out a program for the conservation of food and feed. In carrying out such program, the President is authorized, through the dissemination of information, educational and other campaigns, the furnishing of assistance, and such other voluntary and cooperative measures as he deems necessary or appropriate, to encourage and promote the efficient utilization, care, and preservation of food and feed, the elimination of practices which waste food and feed, the control and eradication of insects and rodents, the consumption of less of these foods and feeds which are in short supply and more of those foods and feeds which are in abundant supply, and other conservation practices. The authority herein conferred may be exercised by the President through such departments, agencies, independent establishments, and officials of the Federal Government and such State, local, and private agencies as he may determine.

(b) There is authorized to be appropriated to the President such sums as may be necessary to carry out this section. To enable the President to carry out this section for the remainder of the fiscal year ending June 30, 1948, there is made available not to exceed $1,000,000 from any funds made available by the Congress for carrying out Public Law 84, Eightieth Congress, or from any funds made available by the Congress for interim foreign aid. Funds made available for the purpose of this section may be used for necessary administrative expenses, including personal services in the District of Columbia and elsewhere, purchase or hire of motor vehicles, temporary or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, without regard to the civil service and classification

laws (the compensation of any such individual not to exceed $50 per day). Funds made available for the purposes of this section may be allotted for any of the purposes of this section to any department, agency, or independent establishment of the Government, or transferred to any other agency requested to assist in carrying out this section. Funds allotted to any department, agency, or independent establishment of the Government shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, or independent establishment, or organizational unit thereof concerned, and without regard to sections 3709 and 3648 of the Revised Statutes, as amended [section 5 of Title 41 and section 529 of Title 31]. (Dec. 30, 1947, ch. 526, § 8, 61 Stat. 947.)

REFERENCES IN TEXT

Public Law 84, Eightieth Congress, referred to in subsec. (b), has reference to act May 31, 1947, ch. 90, §§ 1—7, 61 Stat. 125—128, which was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a) (2), (3), 68 Stat. 861 and is covered by chapter 24 of Title 22, Foreign Relations and Intercourse.

The civil service laws, referred to in subsec. (b), are classified generally to Title 5, Government Organization and Employees.

The classification laws, referred to in subsec. (b), are classified to chapter 51 and subchapter III of chapter 53 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1911, 1916, 1919 of this Appendix.

§ 1919. Authorizations for appropriations.

There is authorized to be appropriated such amounts as may be necessary for purposes of carrying out the provisions of this joint resolution [sections 1911 and 1916 to 1919 of this Appendix]. (Dec. 30, 1947, ch. 526, § 9, 61 Stat. 948.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1911, 1916 of this Appendix.

DOMESTIC RUBBER-PRODUCING INDUSTRY

ACT MAR. 31, 1948, CH. 166, 62 STAT. 101

§§ 1921 to 1938. Omitted.

Section 1921, act Mar. 31, 1948, ch. 166, § 2, 62 Stat. 102, related to Congressional declaration of policy.

Section 1922, act Mar. 31, 1948, ch. 166, § 3, 62 Stat. 102, authorized certain controls over natural and synthetic rubber and rubber products.

Section 1923, act Mar. 31, 1948, ch. 166, § 4, 62 Stat. 102, related to importation and exportation of rubber products.

Section 1924, act Mar. 31, 1948, ch. 166, § 5, 62 Stat. 103, related to maintenance of domestic rubber-producing capacity.

Section 1925, act Mar. 31, 1948, ch. 166, § 6, 62 Stat. 103, related to rubber research and development.

Section 1926, act Mar. 31, 1948, ch. 166, § 7, 62 Stat. 103, related to the operation of rubber-producing facilities by the Government.

Section 1927, act Mar. 31, 1948, ch. 166, § 8, 62 Stat. 104, related to placing in adequate stand-by condition rubber-producing facilities and their maintenance.

Section 1928, acts Mar. 31, 1948, ch. 166, § 9, 62 Stat. 105; June 24, 1950, ch. 357, § 1(a), 64 Stat. 256; June 23, 1952, ch. 453, § 1(a), 66 Stat. 154, related to disposal of Government-owned rubber-producing facilities.

Section 1929, act Mar. 31, 1948, ch. 166, § 10, 62 Stat. 1929, provided administrative provisions respecting rules and regulations; delegation of powers and duties by President; consolidation of powers and functions, creation of corporation, powers, subscription to capital stock; transfer of facilities, personnel, funds, etc.; and annual report.

Section 1930, act Mar. 31, 1948, ch. 166, § 11, 62 Stat. 106, related to patent pooling and use of technical information.

Section 1931, act Mar. 31, 1948, ch. 166, § 12, 62 Stat. 106, related to information, records, etc., for enforcement or administrative purposes; oaths, affidavits, subpenas, etc.; witnesses; testimony; publication of information; and penalties.

Section 1932, act Mar. 31, 1948, ch. 166, § 13, 62 Stat. 107, related to penalties.

Section 1933, act Mar. 31, 1948, ch. 166, § 14, 62 Stat. 107, related to jurisdiction of courts, venue, process and costs.

Section 1934, act Mar. 31, 1948, ch. 166, § 15, 62 Stat. 107, was an exculpatory clause.

Section 1935, act Mar. 31, 1948, ch. 166, § 16, 62 Stat. 108, related to exemption from Administrative Procedure Act. Mar. 31, 1948, ch. 166, §16, 62 Stat. 108, formerly classified to section 1935 of this Appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 654.

Section 1936, act Mar. 31, 1948, ch. 166, § 18, 62 Stat. 1936, defined the terms "natural rubber", "synthetic rubber", "general-purpose synthetic rubber", "special-purpose synthetic rubber", "rubber-producing facilities", "rated production capacity", "component materials", "stand-by condition", "person" and "United States".

Section 1937, act Mar. 31, 1948, ch. 166, § 19, 62 Stat. 109, related to appropriations.

Section 1938, acts Mar. 31, 1948, ch. 166, § 20, 62 Stat. 109; June 24, 1950, ch. 357, § 1(b), 64 Stat. 256; June 23, 1952, ch. 453, § 1(b), 66 Stat. 154; Aug. 7, 1953, ch. 338, § 22, 67 Stat. 415, provided that sections 1921—1938 of this Appendix should become effective on Apr. 1, 1948, and should remain in effect until May 1, 1955.

TRANSFER OF FUNCTIONS

Ex. Ord. No. 9942, Apr. 2, 1948, 13 F.R. 1823, as amended by Ex. Ord. No. 10539, June 22, 1954, 19 F.R. 3827, provided for the performance of certain functions under former sections 1921—1938 of this Appendix by the Secretary of Commerce and by the Federal Facilities Corporation as successor of the Reconstruction Finance Corporation.

Act July 30, 1953, ch. 282, title I, § 107 (a)(1), (b), 67 Stat. 231, provided for Presidential transfer of all functions, powers, duties, and authority of the Reconstruction Finance Corporation under former sections 1921—1938 of this Appendix not later than June 30, 1954, and for the transfer of all assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, personnel, and records of the Reconstruction Finance Corporation which the Director of the Bureau of the Budget shall determine to be primarily related to, and necessary for, the exercise of such functions, powers, duties, and authority, to the officer or agency of the Government to which such functions, powers, duties, and authority are transferred.

TERMINATION DATE

Sections 1921—1938 of this Appendix remained in effect until May 1, 1955, under the provisions of act Mar. 31, 1948, ch. 166, § 20, 62 Stat. 109, as amended, former section 1938 of this Appendix.

EXTENSION WITH RESPECT TO DISPOSAL OF COPOLYMER PLANT AT INSTITUTE, WEST VIRGINIA

Act Aug. 9, 1955, ch. 696, § 3, 69 Stat. 629, provided that: "Notwithstanding the provisions of sections 14 and 22 of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941*l* and 1941t of this Appendix], the Rubber Act of 1948, as amended [former sections 1921—1938 of this Appendix], is hereby extended with respect to the rubber-producing facilities covered by this Act [section 1941x of this Appendix], to the close of the day of transfer of possession of Plancor Numbered 980 to a purchaser in accordance with the provisions of section 26 of the Rubber Producing Facilities Disposal Act [section 1941x of this Appendix]."

EXTENSION WITH RESPECT TO DISPOSAL OF COPOLYMER PLANT AT BAYTOWN, TEXAS

Act Mar. 31, 1955, ch. 19, § 3, 69 Stat. 16, provided that: "Notwithstanding the provisions of sections 14 and 22 of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941*l* and 1941t of this Appendix], the Rubber Act of 1948, as amended [former sections 1921—1938 of this Appendix], is hereby extended with respect to the rubber-producing facilities covered by this Act [section 1941w of this Appendix], to the close of the day of transfer of possession of Plancor Numbered 877 to a purchaser in accordance with the provisions of section 25 of the Rubber Producing Facilities Disposal Act [section 1941w of this Appendix]: *Provided,* That if no such transfer is made, the Rubber Act of 1948, as amended [former sections 1921—1938 of this Appendix], is hereby extended to the close of the day upon which Plancor Numbered 877 is placed in standby condition pursuant to the provisions of this Act."

DISSOLUTION OF FEDERAL FACILITIES CORPORATION

Pub. L. 87–190, Aug. 30, 1961, 75 Stat. 418, provided:

"[SEC. 1. *Administration of sales of rubber producing facilities by Administrator of General Services; exercise of authority of Rubber Producing Facilities Disposal Commission by Administrator; transfer of contracts from Federal Facilities Corporation to Administrator*]. That, subject to the provisions of section 2 of this Act, the Administrator of General Services is hereby designated to administer the contracts of sale of the Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 414) [section 1941 et seq. of this Appendix], as amended, and to administer other matters involving the Rubber Producing Facilities Disposal Commission, including the exercise of all powers and authority conferred upon the said Commission by section 6 of the Act of March 21, 1956 (70 Stat. 51, 53) [set out as a note under section 1941f of this Appendix], and also including the winding up of the affairs of the Commission. The said contracts are hereby transferred from Federal Facilities Corporation to the Administrator of General Services.

"SEC. 2. [*National defense as guide for execution of national security clause in rubber producing facilities' contracts of sale*]. The administration of the national security clause contained in the contracts of sale referred to in section 1 of this Act shall be carried out in accordance with the needs and requirements of the national defense as determined by the Secretary of Defense.

"SEC. 3. [*Transfer of records, assets and liabilities of Rubber Producing Facilities Disposal Commission*]. The records and the remaining assets and liabilities of the Rubber Producing Facilities Disposal Commission are hereby transferred from Federal Facilities Corporation to the Administrator of General Services for use of the Administrator in connection with the administration or performance of his functions and duties under sections 1 and 2 of this Act, or for other disposition as may be determined, consonant with law, by the Administrator.

"SEC. 4. [*Transfer of property, assets and liabilities of Federal Facilities Corporation to Administrator for liquidation; transfer of functions; assumption of liabilities; deposits into Treasury; cancellation of obligations*].

"(a) Notwithstanding any other provision of law, the books of account, records, documents, property, assets and liabilities of every kind and nature, including, but not limited to, all funds, notes (and accrued interest thereon), mortgages, deeds of trust, contracts, commitments, claims, and causes of action, of Federal Facilities Corporation are transferred to the Administrator of General Services for liquidation and, in connection therewith, there are also transferred to the Administrator, notwithstanding the provisions of section 6 of this Act, all functions, powers, duties, authority, rights, and immunities now vested in, or available or applicable to, the Corporation which shall be performed, exercised, and administered by the Administrator in the same manner and to the same extent as if the same were performed, exercised, and administered by the Corporation. The Administrator shall assume and be subject, in his official capacity, to all liabilities and commitments, whether arising out of contract or otherwise, of the corporation but he shall pay into the Treasury, as miscellaneous receipts, all future receipts and all remaining funds of the Corporation transferred to, or received by, him pursuant to this Act.

"(b) Any obligation of General Services Administration to Federal Facilities Corporation existing by virtue of the provisions of section 5(b) of the joint resolution, 'To authorize the disposal of the Government-owned tin smelter at Texas City, Texas, and for other purposes', approved June 22, 1956 (Public Law 608, Eighty-fourth Congress, chapter 426, second session (70 Stat. 329)) [set out as a note under section 98 of Title 50], is canceled.

"SEC. 5. [*Delegation of powers*]. The Administrator of General Services is authorized to delegate, from time to time as he may deem to be appropriate, to any officer, employee, or administrative unit under his jurisdiction the performance of any function and the exercise of the related authority transferred to the Administrator by this Act.

"SEC. 6. [*Termination of succession and dissolution of Corporation; repeal of charter*]. The succession of Federal Facilities Corporation is terminated and the Corporation is dissolved. The charter of the Corporation, as amended, is repealed.

"SEC. 7. [*Suits against corporation before dissolution; United States as party*]. No suit, action, or other proceeding lawfully commenced by or against Federal Facilities Corporation before the dissolution of the Corporation shall abate by reason of such dissolution; but the court may, on motion or supplemental petition filed at any time within twelve months after such dissolution and showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the United States in such court. After the dissolution of the Corporation, any suit, action, or other proceeding which, but for such dissolution, would be commenced by or against the Corporation, shall be commenced by or against the United States in a Federal court of competent jurisdiction.

"SEC. 8. [*Special assessments and taxes*]. In the event that title to any real property which was sold by the Rubber Producing Facilities Disposal Commission or by the Federal Facilities Corporation to private industry on credit, under mortgage, deed of trust, or similar arrangement, is acquired by the United States by reason of default by, or failure of performance of, the purchaser, or its successor in interest, of any of its obligations, such real property shall continue to be subject to special assessments for local improvements and to State, county, municipal, or local taxation to the same extent according to its value as other real property is taxed and the Administrator of General Services is authorized and directed to pay such special assessments and taxes.

"SEC. 9. [*Effective date*]. This Act shall take effect at the close of September 30, 1961."

DISPOSAL OF GOVERNMENT-OWNED RUBBER-PRODUCING FACILITIES

ACT AUG. 7, 1953, CH. 338, 67 STAT. 408

Sec.
1941. Congressional declaration of policy.
1941a. Rubber Producing Facilities Disposal Commission.
(a) Repealed.
(b) Duties; sales contracts, instruments of conveyance, leases and additional powers.
(c) Consultation with Attorney General.
(d) Submission of disposal report to Attorney General.
(e) Antitrust laws as unaffected.
1941b. Furnishing of information concerning facilities to Commission on request.
1941c. Prompt disposal of facilities by Commission; hearings.
1941d. Restriction on activities of members and employees after leaving Commission; penalty.

Sec.
1941e. Disposal procedure.
(a) Invitation of purchase proposals; notice and advertisement; period for receipt of proposals; date to accompany proposals.
(b) Form and contents of proposals.
(c) Disclosure of contents of proposals.
(d) Deposit of cash or Government bonds to accompany proposals.
(e) Payment of purchase price; amount and terms of mortgages.
(f) Negotiation with those submitting proposals.
(g) Securing of additional information from those submitting proposals.
(h) National security clause in contracts of sale.
(i) Effective date of contracts of sale; time for transfer of possession of facilities; failure to complete transfer prior to termination date.
(j) Limitation on Government rubber sales.
(k) Offer of Government rubber for sale to purchasers of facilities after termination of transfer period.
1941f. Disposition of unsold facilities; transfer to General Services Administration; lease of alcohol-butadiene facilities; advice of Attorney General; standby funds.
1941g. Report of recommended disposal by Commission to Congress.
(a) Contents and requirements.
(b) Time of submission of report; period for action by Congress.
(c) Computation of period for Congressional action.
(d) Restriction on sale or lease of rubber producing facilities.
(e) Funds for expenses; annual budget.
(f) Leases of alcohol-butadiene facilities; requirements; advice of Attorney General.
1941h. President's report to Congress on Nation's rubber requirements and resources.
1941i. Exclusion from term "rubber-producing facilities".
1941j. Disposition of proceeds from disposal of facilities.
1941k. Prior disposal of facilities as unaffected.
1941l. Conditional termination dates for Rubber Act of 1948.
1941m. Monthly reports by Commission to Congress of expenditures and obligations.
1941n. Basis for negotiating sale of a facility.
1941o. Criteria for disposal recommendations.
1941p. Authorization of disposal of facilities notwithstanding Rubber Act of 1948.
1941q. Payment of costs of disposal from operating income.
1941r. Termination of Commission; administration after termination.
1941s. Definitions.
1941t. Termination date of Rubber Act of 1948.
1941u. Congressional resolutions respecting facilities.
(a) Resolutions as rules of Congress; changes.
(b) Form of resolution.
(c) Reference to committee.
(d) Report by committee; motion to discharge.
(e) Motion to consider resolution; amendment.
(f) Motions and appeals from decisions on rules to be decided without debate.
1941v. Rejection of recommended sales contract; right to review of purchaser of other facilities; minimum annual production necessary to sustain disposal report.
1941w. Disposal of rubber-producing facility at Baytown, Texas.
(a) Receipt of proposal.
(b) Negotiation period.
(c) Report to Congress; transfer period.
(d) Standby condition.
1941x. Disposal of rubber-producing facility at Institute, West Virginia.
(a) Receipt of proposal.
(b) Negotiation period.
(c) Report to Congress; transfer period.
(d) Standby condition.
1941y. Disposal of rubber-producing facility at Louisville, Kentucky.
(a) Receipt of proposal.
(b) Negotiation period.
(c) Report to Congress; transfer period.

§ 1941. Congressional declaration of policy.

It is declared that disposal of the Government-owned rubber-producing facilities pursuant to the provisions of this Act [sections 1941 to 1941y of this Appendix] is consistent with the national security and will further effectuate the policy set forth in section 2 of the Rubber Act of 1948, as amended (62 Stat. 101 [section 1921 of this Appendix]) with respect to the development within the United States of a free, competitive, synthetic rubber industry. (Aug. 7, 1953, ch. 338, § 2, 67 Stat. 408.)

SHORT TITLE

Section 1 of act Aug. 7, 1953, provided that act Aug. 7, 1953, which enacted sections 1941—1941y of this Appendix, should be popularly known as the "Rubber Producing Facilities Disposal Act of 1953".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941b to 1941y of this Appendix.

§ 1941a. Rubber Producing Facilities Disposal Commission.

(a) Repealed. Pub. L. 89-554 § 8(a), Sept. 6, 1966, 80 Stat. 657.

(b) Duties; sales contracts, instruments of conveyance, leases and additional powers.

With respect to the Government-owned rubber-producing facilities it shall be the duty of the Commission, and it is authorized in accordance with the provisions of this Act [sections 1941 to 1941y of this Appendix] (1) to invite and receive proposals for the purchase of the facilities; to negotiate for their sale and make recommendations therefor to the Congress; to enter into appropriate contracts for their sale, which contracts shall be binding upon the Government and the prospective purchasers upon their execution subject only to the further provisions of this Act [said sections]; and in the performance of such contracts to execute and deliver such deeds or other instruments appropriate to effectively transfer to the purchaser thereof title to the facilities, no matter by what officer, agent, department, Government corporation, or instrumentality of the United States the same is held; (2) to lease and thereunder deliver possession of the alcohol butadiene facilities, if practicable; and (3) to take such action and exercise such powers as may be necessary or appropriate to effectuate the purposes of this Act [said sections].

(c) Consultation with Attorney General.

From the time of its appointment and throughout the course of the performance of its duties, the Commission shall consult and advise with the Attorney General in order (1) to secure guidance as to the type of disposal program which would best foster the development of a free competitive synthetic rubber industry, and (2) to supply the Attorney General with such information as he may deem requisite to enable him to provide the advice contemplated by this section and sections 9 (a) (4) and

9 (f) of this Act [section 1941g (a) (4) (f) of this Appendix].

(d) Submission of disposal report to Attorney General.

Before submission of its proposed disposal report to the Congress, as provided for in section 9 of this Act [section 1941g of this Appendix], the Commission shall submit it to the Attorney General, who shall within a reasonable time, in no event to exceed ninety days, after receiving such report, advise the Commission whether, in his opinion, the proposed disposition will violate the antitrust laws.

(e) Antitrust laws as unaffected.

Nothing in this Act [sections 1941 to 1941y of this Appendix] shall impair, amend, or modify the antitrust laws or limit and prevent their application to persons who acquire property under the provisions of this Act [said sections]. As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended [sections 1 to 7 of Title 15]; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended [sections 12 to 27 of Title 15]; the Federal Trade Commission Act [section 41 et seq. of Title 15]; and the Act of August 27, 1894 (ch. 349, secs. 73, 74, 28 Stat. 570), as amended [sections 8 and 9 of Title 15]. (Aug. 7, 1953, ch. 338, § 3, 67 Stat. 408; Sept. 6, 1966, Pub. L. 89–554, § 8(a), 80 Stat. 657.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89–554 repealed subsec. (a) which established the Rubber Producing Facilities Disposal Commission and provided for appointment, qualifications, and pay of the Commissioners.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941b. Furnishing of information concerning facilities to Commission on request.

The Commission shall be furnished upon its request all available information concerning the Government-owned rubber-producing facilities in the possession of any department, agency, officer, Government corporation, or instrumentality of the United States concerned with Government-owned rubber-producing facilities. (Aug. 7, 1953, ch. 338, § 4, 67 Stat. 409.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941c. Prompt disposal of facilities by Commission; hearings.

The Commission shall proceed as promptly as practicable, conducting such hearings as may be necessary, with the disposal of the rubber-producing facilities in compliance with the provisions of this Act [sections 1941 to 1941y of this Appendix]. (Aug. 7, 1953, ch. 338, § 5, 67 Stat. 409.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941d. Restriction on activities of members and employees after leaving Commission; penalty.

(a) Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 67.

(b) No member of the Commission and no person employed by the Commission as an attorney, agent, or employee in activities involving discretion with respect to negotiations or contracts of sale of the Government-owned rubber-producing facilities, shall, during the period of such employment, or for a period of two years thereafter, be employed in any capacity by any purchaser, or affiliate thereof. No purchaser or affiliate thereof shall employ in any capacity any person, who has served as a member of the Commission or who was employed by the Commission and served the Commission as an attorney, agent, or employee in activities involving discretion with respect to negotiations or contracts of sale of the Government-owned rubber-producing facilities, while any such person is serving as a member or employee of the Commission or for a period of two years thereafter. Any person violating the provisions of this subsection shall be fined not more than $10,000 or imprisoned not more than one year, or both. (Aug. 7, 1953, ch. 338, § 6.67 Stat. 409; Sept. 6, 1966, Pub. L. 89–554, § 8(a), 80 Stat. 657.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89–554 repealed subsec. (a) which authorized the Commission to employ persons and fix their compensation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941e. Disposal procedure.

(a) Invitation of purchase proposals; notice and advertisement; period for receipt of proposals; date to accompany proposals.

The Commission shall invite, upon adequate notice and advertisement, proposals for the purchase of the Government-owned rubber-producing facilities, hereafter referred to as the "facilities". The period for the receipt of proposals shall be determined and publicly announced by the Commission, and in no event shall be less than six months after the first day on which proposals may be received pursuant to the advertisement. The advertisement shall be in such form, contain such specifications and reservations, and be published in such manner as the Commission in its discretion determines will best effectuate the purposes of this Act [sections 1941 to 1941y of this Appendix]. All data concerning such facilities which in the judgment of the Commission may be reasonably required for the submission of a bona fide proposal shall be furnished by the Commission upon request by any prospective purchaser unless the Commission has reason to believe that such prospective purchaser has not identified his principal, or is not financially responsible, or is a poor security risk.

(b) Form and contents of proposals.

Proposals shall be in writing, and shall contain, among other things—

(1) identification of the person in whose behalf the proposal is submitted, including the business affiliation of such person;

(2) the facility or facilities which are proposed to be purchased, and the order of preference if more than one facility is proposed to be purchased; or the order of preference if proposals are submitted on more than one facility, if only one facility is proposed to be purchased;

(3) the arrangements or plans, if any, formal or informal, for the supply of feedstock to, and the disposition of the end products of, the respective facilities proposed to be purchased;

(4) the amount proposed to be paid for each of the facilities, and, if such amount is not to be paid in cash, then the principal terms of the financing arrangement proposed;

(5) the general terms and conditions which the prospective purchaser of a copolymer facility would be willing to accept in order to make the end product of such facility available for sale to small business enterprises, and the general terms and conditions which the prospective purchaser of a butadiene or styrene facility would be willing to accept in order to make the end product of such facility available for sale to purchasers of copolymer facilities; and

(6) such other information as the Commission in its notice and advertisement for proposals shall require be set forth in proposals including the prospective purchaser's acceptance of the terms, conditions, restrictions and reservations contained in subsection (h) of this section, and the interest rate to be charged on the purchase-money mortgage referred to in subsection (e) of this section.

(c) Disclosure of contents of proposals.

Should it become necessary to the effective prosecution of the disposal program, the Commission may, after the termination of the period for the submission of proposals provided for in subsection (a) of this section, disclose the contents of the proposals at such time, in such manner, and to such extent as it deems appropriate.

(d) Deposit of cash or Government bonds to accompany proposals.

Proposals shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ per centum of the gross amount proposed to be paid but not exceeding $250,000 for each facility: *Provided, however,* That the deposit required in the case of a proposal for one of a number of facilities on an alternative basis shall be the same as would be required if such proposal were for only the facility for which the particular prospective purchaser proposed to pay the highest amount. Except in the case of purchasers, deposits made hereunder shall be refunded without interest and not later than upon the termination of the period for congressional review as provided in section 9 of this Act [section 1941g of this title]. In the case of purchasers, deposits made hereunder shall be applied without interest to the purchase price: *Provided, however,* That upon the closing of the contract of sale the purchaser shall be required to substitute cash equal to the face amount of the Government bonds then held in connection with such purchaser's proposal.

(e) Payment of purchase price; amount and terms of mortgages.

Payment of the purchase price may be made in part by a first lien purchase-money mortgage, in an amount not to exceed 75 per centum of the purchase price. The terms of any such mortgage obligation, to be determined by negotiation, shall provide among other things for a maturity of not more than ten years, periodic amortization, and a uniform interest rate of not less than 3 per centum per annum.

(f) Negotiation with those submitting proposals.

Promptly after the termination of the period for the receipt of proposals, pursuant to subsection (a) of this section, and for such period thereafter not less than seven months as may be determined and publicly announced by the Commission, it shall negotiate with those submitting proposals for the purpose of entering into definitive contracts of sale.

(g) Securing of additional information from those submitting proposals.

Nothing contained in this Act [sections 1941 to 1941y of this Appendix] shall be construed to prevent the Commission from securing such additional information from those submitting proposals at any time as the Commission may deem necessary or appropriate to fulfill its responsibilities under this Act [said sections].

(h) National security clause in contracts of sale.

All contracts of sale and instruments in execution thereof shall contain a national security clause having terms, conditions, restrictions and reservations which will assure the prompt availability of the rubber-producing facilities, or facilities of equivalent capacity, for the production of synthetic rubber and the component materials thereof for a period of ten years from the date of the contract.

(i) Effective date of contracts of sale; time for transfer of possession of facilities; failure to complete transfer prior to termination date.

Subject to the conditions prescribed in section 24 of this Act [section 1941v of this Appendix], any contract of sale shall become fully effective upon the expiration of the period for congressional review provided for in section 9 of this Act [section 1941g of this Appendix] unless the Congress within such period has disapproved such sale. The transfer of possession of all of the rubber-producing facilities to be sold shall be made as promptly as is practicable after the effective date, in accordance with the terms of the contracts, but in any event within a period terminating sixty days after the expiration of the period for congressional review as provided in section 9 (b) of this Act [section 1941g (b) of this Appendix]. The failure to complete transfer of possession prior to said termination date shall not give rise to or be the basis of rescission of the contract of sale.

(j) Limitation on Government rubber sales.

Upon termination of the transfer period, as provided in subsection (i) of this section, the operating agency last designated by the President shall make no further sales of synthetic rubber and its component materials except as otherwise provided in this Act [sections 1941 to 1941y of this Appendix].

(k) Offer of Government rubber for sale to purchasers of facilities after termination of transfer period.

During the period of one year following the termination of the transfer period, the operating agency last designated by the President shall offer for sale to the purchasers of the facilities the synthetic rubber and its component materials held by it at a price determined in accordance with its pricing policy prevailing at the close of the transfer period, in

amounts prorated in accordance with the ratio of the capacity of each such facility purchased to the total capacity of all facilities of the same type sold. Any synthetic rubber or component materials not purchased by an eligible purchaser during periodic intervals, as determined by the operating agency, shall be made available to other eligible purchasers on a like equitable basis. Any synthetic rubber or component materials not sold during such one-year period shall thereafter be disposed of in such manner as said agency deems advisable. (Aug. 7, 1953, ch. 338, § 7, 67 Stat. 409.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941f. Disposition of unsold facilities; transfer to General Services Administration; lease of alcohol-butadiene facilities; advice of Attorney General; standby funds.

(a) Upon the termination of the transfer period, the operating agency last designated by the President, shall, as promptly as possible consistent with sound operating procedures, take out of production and place in adequate standby condition the rubber-producing facilities which shall not have been sold. At any time after the termination of production, such facilities may be transferred without reimbursement or transfer of funds to the General Services Administration and administered in accordance with the provisions of sections 6, 7, and 8 of the National Industrial Reserve Act of 1948, as amended (62 Stat. 1227, [sections 456 to 458 of this title]), or to such other agency as the President may designate for administration in such manner as he may direct. In such event (1) no such facility shall thereafter be operated as a rubber-producing facility for the account of, or by, the Government except pursuant to further Act of Congress; (2) no such facility, other than alcohol-butadiene facilities, shall be leased for operation as a rubber-producing facility at any time: *Provided,* That nothing contained in this Act [sections 1941 to 1941y of this Appendix] shall preclude the leasing of alcohol-butadiene facilities for purposes other than the manufacture of alcohol butadiene so long as such leases are in accordance with the provisions of section 8 (a) or section 9 (f) of this Act [subsection (a) of this section or section 1941g (f) of this Appendix]; and (3) no such facility shall be disposed of by sale within a period of three years from the termination of the transfer period, and in any subsequent lease or sale, the Government agency acting under authority of this section shall within a reasonable time and in no event less than sixty days prior to the lease or sale, request the advice of the Attorney General as to whether the proposed lease or sale would tend to create or maintain a situation inconsistent with the antitrust laws. The Attorney General shall give his advice within forty-five days of the receipt of such request. Upon the request of the Attorney General, the Government agency shall furnish, or cause to be furnished, such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section.

(b) Whenever any transfer to any Government agency is made pursuant to this section, all unexpended funds budgeted as provided in section 9 (e) [section 1941g (e) of this Appendix] for standby and maintenance in such condition shall also be transferred. (Aug. 7, 1953, ch. 338, § 8, 67 Stat. 411.)

SALE OF LEASE OF CATALYST EQUIPMENT; TERMS AND CONDITIONS; SECURITY CLAUSE; PRICE; STANDBY CONDITION; AUTHORITY

Administration by Administrator of General Services of matters involving the Rubber Producing Facilities Disposal Commission, including the exercise of authority conferred upon the Commissiion by section 6 of Act Mar. 21, 1956, set out hereunder, see note entitled "Dissolution of Federal Facilities Corporation", set out under sections 1921—1938 of this Appendix.

Section 6 of act Mar. 21, 1956, ch. 89, 70 Stat. 53, provided that:

"(a) Notwithstanding any provision of the Rubber Producing Facilities Disposal Act of 1953, as amended [sections 1941—1941x of this Appendix], or of this Act [section 1941y and notes, and note set out under section 1941r of this Appendix], the Rubber Producing Facilities Disposal Commission may enter into contracts of sale and may from time to time enter into leases for all or any part of the catalyst manufacturing equipment now situated in Baltimore, Maryland, and generally described in the Commission's brochure M-2 dated March 1954.

"(b) Except as provided in this paragraph, each such lease or contract may be made on such terms and conditions, including type of use and duration (up to fifteen years) of any lease, as the Commission deems advisable in the public interest. Before making such sale or lease, the Commission shall secure the advice of the Attorney General as to whether the proposed sale or lease would tend to create or maintain a situation inconsistent with the antitrust laws. Each such lease or contract of sale shall contain a national security clause, containing such terms and for such duration (ten years or less) as the Commission deems desirable in the public interest, and any such lease shall provide for the recapture of the equipment thereby leased and the termination of the lease, if the President determines that the national interest so requires.

"The price for any part or all of such equipment shall be an amount which the Commission determines to be the maximum amount obtainable in the public interest, but not less than fair value as determined by the Commission.

"(c) Any of such equipment not sold or leased under subsection (a) shall be placed and maintained in adequate standby condition pursuant to, and be otherwise subject to, the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [this section] (other than the provision prohibiting leases).

"(d) All the powers and authority conferred by this section upon the Commission may, after the termination of the existence of the Commission, be exercised by such agency of the Government as the President may designate for the purpose, and for this purpose such successor agency may exercise all the authority conferred in the Rubber Producing Facilities Disposal Act of 1953 [sections 1941 to 1941y of this Appendix] upon the Commission."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941g. Report of recommended disposal by Commission to Congress.

(a) Contents and requirements.

Not later than thirty days after the termination of the negotiating period provided in section 7 of this Act [section 1941e of this Appendix], and in no event later than January 31, 1955, the Commission shall prepare and submit to the Congress a report setting forth—

(1) the steps taken to elicit proposals and the proposals which have been received;

(2) the principal terms of all sales contracted for and the Commission's recommendations in respect thereto;

(3) in the event that there may have been a financially more advantageous proposal for any rubber-producing facility than the sale recommended, a statement of the reasons why such sale is nevertheless proposed;

(4) the statement from the Attorney General setting forth findings approving the proposed disposals in accordance with the standards set forth in section 3(c) of this Act [section 1941a(c) of this Appendix];

(5) the program to be followed to place in standby condition the rubber-producing facilities not sold;

(6) an inventory report concerning the Government's current stocks of synthetic rubber and its component materials;

(7) a program for the continuance, to the extent it deems necessary, during the fiscal year following the fiscal year in which the transfer period terminates, of the research program on synthetic rubber and its component materials then being carried on by the operating agency; and

(8) the names of persons who have represented the Government or the purchasers in conducting negotiations or in making contracts for disposal of the rubber-producing facilities.

(b) Time of submission of report; period for action by Congress.

The report shall be submitted to both Houses of Congress on the same day. Upon the expiration of sixty days of continuous session of the Congress following the date upon which the report is submitted to it, the Commission shall proceed to carry out the contracts and proposals, as outlined in its report, to the extent that such contracts and proposals are not disapproved by either House of Congress by a resolution within the sixty-day period.

(c) Computation of period for Congressional action.

For the purposes of subsection (b) of this section—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(d) Restriction on sale or lease of rubber producing facilities.

No rubber-producing facility shall be sold or leased except in accordance with this Act [sections 1941 to 1941y of this Appendix] or in accordance with section 7(d)(4) of the Rubber Act of 1948, as amended [section 1926(d)(4) of this Appendix].

(e) Funds for expenses; annual budget.

Such sums as may be required for the foregoing purposes may be provided out of the proceeds of disposal, and annual budgets for the expenses necessary for such purposes shall be submitted in accordance with the Government Corporation Control Act of 1945, as amended (59 Stat. 597 [section 841 of Title 31]).

(f) Leases of alcohol-butadiene facilities; requirements; advice of Attorney General.

Notwithstanding any other provisions of this Act [sections 1941 to 1941y of this Appendix], the Commission may, after securing the advice of the Attorney General as to whether the proposed lease would tend to create or maintain a situation inconsistent with the antitrust laws, enter into leases for the alcohol-butadiene facilities for a period of not less than one year, nor more than three years: *Provided*, That any such lease shall contain among other things (1) a national security clause, and (2) provisions for the recapture of such facilities by the Government and the termination of the lease, if the President determines that the national interest so requires. Not less than sixty days prior to said lease the Commission shall request such advice from the Attorney General who shall give the same within forty-five days of the receipt of such request. (Aug. 7, 1953, ch. 338, § 9, 67 Stat. 412.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941h. President's report to Congress on Nation's rubber requirements and resources.

At the expiration of one year after the transfer period or as soon thereafter as the Congress is in session, the President shall report to the Congress concerning the Nation's rubber requirements and resources, and the need, if any, for further research by the Government relative to the production or use of synthetic rubber and its component materials. (Aug. 7, 1953, ch. 338, § 10, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941i. Exclusion from term "rubber-producing facilities".

The term "rubber-producing facilities" as used in this Act [sections 1941 to 1941y of this Appendix] shall not include the Government-owned evaluation laboratory at Akron, Ohio. (Aug. 7, 1953, ch. 338, § 11, 67 Stat. 413.)

DISPOSAL OF RESEARCH LABORATORIES AT AKRON, OHIO

Act July 26, 1956, ch. 738, 70 Stat. 657, provided: "That the Government laboratories at Akron, Ohio, now under control of the National Science Foundation are hereby transferred to the General Services Administration for disposal in accordance with the Federal Property and Administrative Services Act of 1949 [chapter 11B of Title 5, chapter 10 of Title 40, chapter 4 and section 5 of Title 41, and chapter 11 of Title 44], except that the Administrator of General Services shall first offer the laboratories for public sale before seeking to dispose of them by transfer or assignment to any Federal agency. The Administrator of General Services, before he offers the laboratories to the public for sale, shall ascertain what the value of the laboratories would be to Government agencies which would make substantial use thereof, and the Administrator shall not sell the laboratories to the public unless he finds, after consultation with the Director of the Budget Bureau, that such sale to the public would be in the best interests of the United States, taking into consideration among other relevant factors the value of the laboratories to any interested agency and the amounts offered by public bidders. The National Science Foundation is authorized to reimburse the General Services Administration in

advance for expenses necessary for the protection and maintenance of the laboratories up to June 30, 1957."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941j. Disposition of proceeds from disposal of facilities.

All final net proceeds from disposal of the rubber-producing facilities shall be covered into the Treasury as miscellaneous receipts except as otherwise provided by this Act [sections 1941 to 1941y of this Appendix]. (Aug. 7, 1953, ch. 338, § 12, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941k. Prior disposal of facilities as unaffected.

The sales, leases, or other dispositions made prior to the enactment of this Act [sections 1941 to 1941y of this Appendix] pursuant to section 9 (b) of the Rubber Act of 1948, as amended [section 1928 (b) of this Appendix], shall not be affected by this Act [said sections]. (Aug. 7, 1953, ch. 338, § 13, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941*l*. Conditional termination dates for Rubber Act of 1948.

Notwithstanding the provisions of section 20 of the Rubber Act of 1948, as amended [former section 1938 of this Appendix], (1) if no report is submitted by the Commission, or if the report submitted by the Commission pursuant to section 9 of this Act [section 1941g of this Appendix] is disapproved in its entirety, then the Rubber Act of 1948, as amended [former sections 1921 to 1938 of this Appendix] shall be extended until March 31, 1956; and (2) if the Commission submits a report and it is not disapproved in its entirety, the Rubber Act of 1948, as amended [former sections 1921 to 1938 of this Appendix], shall terminate at the termination of the transfer period as provided in section 7 (i) of this Act [section 1941e (i) of this Appendix]. (Aug. 7, 1953, ch. 338, § 14, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941m. Monthly reports by Commission to Congress of expenditures and obligations.

Thirty days following the receipt of proposals, as provided in section 7 of this Act [section 1941e of this Appendix] the Commission shall submit to the Congress a report stating the amount of funds expended by or obligated by the operating agency for the repair, replacement, additions, improvements, or maintenance of each synthetic rubber-producing facility for which proposals have been submitted. Thereafter reports shall be made monthly until such time as the Congress shall have permitted or disapproved in whole or in part the disposal recommended by the Commission. (Aug. 7, 1953, ch. 338, § 15, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941n. Basis for negotiating sale of a facility.

In arriving at its recommendations for the disposal of the facilities, the Commission shall use, as the basis for negotiating the sale of each facility the highest amount proposed to be paid for each facility, if, in the opinion of the Commission, the highest amount proposed to be paid was a bona fide proposal and was submitted by a person competent to operate a rubber-producing facility: *Provided*, That the words "competent to operate a rubber-producing facility" shall not be interpreted so as to require prior experience in the operation of a rubber-producing facility: *Provided further*, That in using such highest proposed amount as a basis for negotiations the Commission may negotiate with respect to any facility with any person who submitted a proposal on that or any similar facility and may recommend sale of any facility to any person who submitted a proposal on that or any similar facility at a price which is equal to, higher than, or lower than the highest amount proposed to be paid for each facility as the Commission determines will best effectuate the purposes of this Act [section 1941 to 1941y of this Appendix]. (Aug. 7, 1953, ch. 338, § 16, 67 Stat. 413.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941*o*. Criteria for disposal recommendations.

The following criteria, together with such other criteria as the Commission deems necessary or desirable to best effectuate the purposes of this Act [sections 1941 to 1941y of this Appendix], shall be used by the Commission in arriving at its recommendations for disposal:

(1) That the disposal program be designed best to afford small-business enterprises and users, other than the purchaser of a facility, the opportunity to obtain a fair share of the end products of the facilities sold and at fair prices;

(2) That the prospective purchaser has the technical competence necessary to operate a rubber-producing facility, except that prior experience in operating a rubber-producing facility shall not be required as a basis for determining whether a prospective purchaser has the technical competence necessary to operate a rubber-producing facility;

(3) That the recommended sales shall provide for the development within the United States of a free, competitive, synthetic rubber industry, and do not permit any person to possess unreasonable control over the manufacture of synthetic rubber or its component materials;

(4) That the prospective purchaser is acting in good faith, and actually intends to operate the facility or facilities for the purpose of manufacturing synthetic rubber or its component materials;

(5) That full fair value for the facility or facilities will be received by the Government, taking into consideration the policy set forth in section 2 of this Act [section 1941 of this Appendix];

(6) That disposal of the facility or facilities to the purchasers is consistent with national security; and

(7) That the facilities recommended for sale will in the aggregate be capable of annually producing not less than five hundred thousand long tons of general-purpose synthetic rubber, and not less than forty-three thousand long tons annually of butyl rubber.

(Aug. 7, 1953, ch. 338, § 17, 67 Stat. 414.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941p. Authorization of disposal of facilities notwithstanding Rubber Act of 1948.

Unless otherwise provided in this Act [former sections 1921 to 1938 of this Appendix], the disposal of the Government-owned rubber-producing facilities shall be authorized notwithstanding the provisions of the Rubber Act of 1948, as amended [former sections 1921 to 1938 of this Appendix]. (Aug. 7, 1953, ch. 338, § 18, 67 Stat. 414.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941q. Payment of costs of disposal from operating income.

Unless otherwise provided in this Act [sections 1941 to 1941y of this Appendix], all costs incurred by the Commission or any other department, agency, officer, Government corporation, or instrumentality of the United States pursuant to the provisions of this Act [said sections] shall, so long as synthetic rubber is produced for the account of the Government in the Government-owned rubber-producing facilities, be paid from and charged against the operating income of the Government-owned synthetic rubber program, administered by the operating agency. (Aug. 7, 1953, ch. 338, § 19, 67 Stat. 414.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941r. Termination of Commission; administration after termination.

The Commission shall cease to exist thirty days after the termination of the transfer period as provided by section 7 (i) of this Act [section 1941e (i) of this Appendix], but nothing contained in this section shall be construed in any way so as to abrogate, modify, or adversely affect any contract of sale or lease of the Government-owned rubber-producing facilities pursuant to this Act [sections 1941 to 1941y of this Appendix]. After the Commission ceases to exist, such contracts and leases and other matters involving the Commission shall be administered by such agency of the Government as the President may designate. (Aug. 7, 1953, ch. 338, § 20, 67 Stat. 414.)

TERMINATION OF COMMISSION

Section 3 of act Mar. 21, 1956, ch. 89, 70 Stat. 52, provided that: "Notwithstanding the provisions of section 4 of Public Law 336, Eighty-fourth Congress, approved August 9, 1955 [set out as a note under this section], of section 4 of Public Law 19, Eighty-fourth Congress, approved March 31, 1955 [set out as a note under this section], and section 20 of the Rubber Producing Facilities Disposal Act of 1953 [this section], the Commission established by the last-mentioned Act shall cease to exist at the close of the ninetieth day following the termination of the review period provided for in section 27 (c) of that Act [section 1941y (c) of this Appendix], unless no sale of the Louisville plant is recommended by the Commission pursuant to section 27 (c) of that Act [section 1941y (c) of this Appendix], in which event the Commission shall cease to exist at the close of the ninetieth day following the termination of the maximum period allowed for negotiation in section 27 (b) [section 1941y (b) of this Appendix]."

Act Aug. 9, 1955, ch. 696, § 4, 69 Stat. 629, provided that: "Notwithstanding the provisions of section 4 of Public Law 19 [set out as a note under this section], approved March 31, 1955, and notwithstanding the provisions of section 20 of the Rubber Producing Facilities Disposal Act of 1953 [this section], the Commission established by the latter Act [sections 1941—1941w of this Appendix] shall cease to exist at the close of the thirtieth day following the termination of the transfer period provided for in section 26(c) of that Act [section 1941x(c) of this Appendix], unless no sale of Plancor Numbered 980 is recommended by the Commission pursuant to section 26(c) of that Act [section 1941x(c) of this Appendix], in which event the Commission shall cease to exist at the close of the one hundred and thirtieth day following the date of the enactment of this Act [Aug. 9, 1955]."

Act Mar. 31, 1955, ch. 19, § 4, 69 Stat. 16, provided that: "Notwithstanding the provisions of section 20 of the Rubber Producing Facilities Disposal Act of 1953 [this section], the Commission established by that Act [sections 1941—1941v of this Appendix] shall cease to exist at the close of the thirtieth day following the termination of the transfer period provided for in section 25 (c) of that Act [section 1941w (c) of this Appendix], unless no sale of Plancor Numbered 877 is recommended by the Commission pursuant to section 25 (c) of that Act [section 1941w (c) of this Appendix], in which event the Commission shall cease to exist at the close of the one hundred and thirtieth day following the date of enactment of this Act [March 31, 1955]."

EX ORD. NO. 10678. ADMINISTRATION OF FUNCTIONS OF COMMISSION

Ex. Ord. No. 10678, Sept. 20, 1956, 21 F. R. 7199, as amended by Ex. Ord. No. 10720, July 11, 1957, 22 F.R. 5521, provided:

By virtue of the authority vested in me by section 20 of the Rubber Producing Facilities Disposal Act of 1953 67 Stat. 414, as amended or modified (50 U. S. C. App. 1941r), and by section 6 (d) of the act of March 21, 1956, 70 Stat. 53 [set out as a note under section 1941f of this Appendix], and as President of the United States, it is ordered as follows:

SECTION 1. Subject to the provisions of section 2 of this order, the Federal Facilities Corporation (hereinafter referred to as the Corporation) is hereby designated as the agency to administer the contracts of sale or lease of the Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of 1953, as amended [sections 1941—1941x of this Appendix], and to administer other matters involving the Rubber Producing Facilities Disposal Commission, including all powers and authority conferred upon the said Commission by sections 4, 5, and 6 of the said act of March 21, 1956 [set out as notes under sections 1941f and 1941y of this Appendix], and also including the winding up of the affairs of the Commission. The said contracts are hereby transferred to the Corporation.

SEC. 2. The administration of the national-security clause contained in such contracts of sale, including any contract of sale made under the act of March 31, 1955 69 Stat. 15 [section 1941w and notes set out under sections 1938, 1941w, and 1941r of this Appendix], or under the said act of March 21, 1956 [set out as notes under sections 1941f and 1941y of this Appendix], and the administration of the national-security clause (including the recapture clause) contained in any lease of the unsold facilities made under any of the aforesaid acts shall be carried out in accordance with the needs and requirements of the national defense as determined by the Secretary of Defense.

SEC. 3. The records, property, liabilities, employees and unexpended balances of appropriations, allocations, and other funds, available or to be made available, of the

Rubber Producing Facilities Disposal Commission are hereby transferred to the Corporation, for use or employment by the Corporation in connection with the administration or performance of its functions and duties under section 1 of this order, or for other disposition as determined, consonant with law, by the Corporation.

SEC. 4. All matters placed under the administration or jurisdiction of the Corporation by sections 1 and 3 of this order shall be subject to direction and control by the Administrator of General Services.

SEC. 5. This order shall become effective on September 24, 1956.

DWIGHT D. EISENHOWER

ADMINISTRATION AFTER TERMINATION

Administration by Administrator of General Services of matters involving the Rubber Producing Facilities Disposal Commission, including the winding up of the affairs of the Commission, see note entitled "Dissolution of Federal Facilities Corporation", set out under sections 1921—1938 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941s. Definitions.

(a) The term "synthetic rubber" means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber.

(b) The term "general-purpose synthetic rubber" means a synthetic rubber of the butadiene-styrene type generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback as determined from time to time by the President.

(c) The term "rubber-producing facilities" means facilities, in whole or in part, for the manufacture of synthetic rubber, and the component materials thereof, including, but not limited to, buildings and land in which or on which such facilities may be located and all machinery and utilities associated therewith.

(d) The term "component materials" means the material, raw, semifinished, and finished, necessary for the manufacture of synthetic rubber.

(e) The term "standby condition" means the condition in which rubber-producing facilities, in whole or in part, are placed if not sold or leased in accordance with this Act [sections 1941 to 1941y of this Appendix], but are maintained so as to be readily available for the production of synthetic rubber or component materials.

(f) The term "person" means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not.

(g) The term "operating agency" means the Department, agency, officer, Government corporation, or instrumentality of the United States designated from time to time by the President pursuant to section 7 (a) of the Rubber Act of 1948, as amended [section 1926 (a) of this Appendix].

(h) The term "small business enterprise" means an enterprise independently owned and operated which is not dominant in its field of operation, due regard being given to the number of its employees and dollar volume of business. (Aug. 7, 1953, ch. 338, § 21, 67 Stat. 415.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941t. Termination date of Rubber Act of 1948.

Section 20 of the Rubber Act of 1948, as amended [former section 1938 of this Appendix], is further amended as follows: In lieu of the date "March 31, 1954" insert the date "May 1, 1955". (Aug. 7, 1953, ch. 338, § 22, 67 Stat. 415.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941u. Congressional resolutions respecting facilities.

(a) Resolutions as rules of Congress; changes.

The provisions of this section are enacted by the Congress:

(1) As an exercise of the rule-making power of the Senate and the house of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) Form of resolution.

As used in this section, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: (1) "That the _____ does not favor sale of the facilities as recommended in the report of the Rubber Producing Facilities Disposal Commission.", the blank therein being filled with the name of the resolving House; or (2) "That the _____ does not favor the sale of the _____ as recommended in the report of the Rubber Producing Facilities Disposal Commission.", the first blank therein being filled with the name of the resolving House and the other blank being filled with a description of the facility or facilities proposed to be sold.

(c) Reference to committee.

A resolution with respect to a facility or facilities shall be referred to a committee (and all such resolutions shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) Report by committee; motion to discharge.

(1) If the committee to which has been referred a resolution with respect to a facility or facilities has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution

with respect to such facility or facilities which has been referred to the committee.

(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same facility or facilities), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same facility or facilities.

(e) Motion to consider resolution; amendment.

(1) Where the committee has reported, or has been discharged from further consideration of, a resolution with respect to a facility or facilities, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) Motions and appeals from decisions on rules to be decided without debate.

(1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a facility or facilities, and all motions to proceed to the consideration of other business, shall be decided without debate.

(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a facility or facilities, shall be decided without debate. (Aug. 7, 1953, ch. 338, § 23, 67 Stat. 415.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941v. Rejection of recommended sales contract; right to review of purchaser of other facilities; minimum annual production necessary to sustain disposal report.

Notwithstanding any provisions of this Act [sections 1941 to 1941y of this Appendix], in the event that the recommended sale of any facility is disapproved by either House of the Congress, any prospective purchaser of any other facility shall have a period of thirty days after the termination of the period for review by the Congress in which to reject the recommended sales contract with regard to the facility or facilities which he has agreed to purchase: *Provided*, That if as a result of the disapproval by either House of the Congress of the sale of any facility or facilities, or as a result of the rejection of one or more sales contracts by any prospective purchaser as provided in this section, the remaining facilities to be sold will in the aggregate not be capable of annually producing at least 500,000 long tons of general purpose synthetic rubber and at least 43,000 long tons of butyl rubber, then no facility shall be sold under this Act [sections 1941 to 1941y of this Appendix], and for the purposes of this Act [said sections] the report of the Commission shall be deemed to have been disapproved in its entirety. (Aug. 7, 1953, ch. 338, § 24, 67 Stat. 416.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941w. Disposal of rubber-producing facility at Baytown, Texas.

(a) Receipt of proposal.

Notwithstanding the second sentence of section 7 (a) [section 1941e (a) of this Appendix], the period for receipt of proposals for the purchase of the Government-owned rubber-producing facility at Baytown, Texas, known as Plancor Numbered 877, shall not expire until the end of the thirty-day period which begins on the date of the enactment of this section [March 31, 1955].

(b) Negotiation period.

If one or more proposals are received for the purchase of Plancor Numbered 877 within the time period specified in subsection (a), the Commission, notwithstanding the expiration of the period for negotiation specified in section 7 (f) [section 1941e (f) of this Appendix], shall negotiate with those submitting the proposals for a period of not to exceed sixty days for the purpose of entering into a definite contract of sale.

(c) Report to Congress; transfer period.

Within ten days after the termination of the actual negotiation period referred to in subsection (b), the Commission shall prepare and submit to the Congress a report containing, with respect to the disposal under this section of Plancor Numbered 877, the information described in paragraphs (1) to (5), inclusive, and paragraph (8) of section 9 (a) [section 1941g (a) of this Appendix]. Unless the contract is disapproved by either House of the Congress by a resolution prior to the expiration of thirty days of continuous session (as defined in section 9 (c) [section 1941g (c) of this Appendix]) of the Congress following the date upon which the report is submitted to it, upon the expiration of such thirty-day period the contract shall become fully effective and the Commission shall proceed to carry it out, and transfer of possession of the facility sold shall be made as soon as practicable but in any event within thirty days after the expiration of such thirty-day period. The failure to complete transfer of possession within thirty days after the expiration of the period for congressional review shall not

give rise to or be the basis of rescission of the contract of sale.

(d) Standby condition.

If, upon termination of the transfer period provided for in subsection (c), no contract for the sale of Plancor Numbered 877 has become effective, the operating agency last designated by the President shall, as promptly as possible consistent with sound operating procedures, take said Plancor out of production and place it in adequate standby condition under the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [section 1941f of this Appendix]: *Provided,* That the provisions in said section relating to the time for placing facilities in standby condition shall not apply to Plancor Numbered 877. (Aug. 7, 1953, ch. 338, § 25, as added Mar. 31, 1955, ch. 19, § 1, 69 Stat. 15.)

SUBMISSION OF DISPOSAL REPORT TO ATTORNEY GENERAL

Section 2 of act Mar. 31, 1955, provided that: "Notwithstanding the provisions of section 3 (d) of the Rubber Producing Facilities Disposal Act of 1953 [section 1941a (d) of this Appendix], the Rubber Producing Facilities Disposal Commission (hereinafter referred to as the 'Commission') before submission to the Congress of its report relative to Plancor Numbered 877, shall submit it to the Attorney General, who shall, within seven days after receiving the report, advise the Commission whether, in his opinion, the proposed disposition, if carried out, will violate the antitrust laws."

DISPOSAL CRITERIA

Section 5 of act Mar. 31, 1955, provided that: "Except as otherwise provided in this Act [this section], disposal of Plancor Numbered 877 shall be fully subject to all the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941v of this Appendix] and such criteria as have been established by the Commission in handling disposal of other Government-owned rubber producing facilities under that Act [sections 1941—1941v of this Appendix]: *Provided,* That the provisions of sections 7 (j), 7 (k), 9 (d), 9 (f), 10, 11, 15, and 24 of that Act [sections 1941e (j), 1941e (k), 1941g (d), 1941g (f), 1941h, 1941i, 1941m, and 1941v of this Appendix] shall not apply to the disposal of Plancor Numbered 877. As promptly as practicable following the date of transfer of possession of Plancor Numbered 877 to a purchaser under this Act [this section], the operating agency last designated by the President shall offer for sale to such purchaser the end products produced at such plant and held in inventory for Government account on the day of such transfer of possession, together with the feedstocks then located at such plant or purchased by the operating agency for use at such plant. Sale of such end products shall be made at the Government sales price prevailing on the business day next preceding the date of transfer of possession of such plant. Sale of such feedstocks shall be made at not less than their cost to the Government. In the event the purchaser declines to purchase such end products or feedstocks when first offered to it by the operating agency, they may be thereafter disposed of in such manner as the operating agency deems advisable. In the event Plancor Numbered 877 is not sold under the provisions of this Act [this section], any end products produced at such plant and held in inventory for Government account on the day such plant is placed in standby condition pursuant to section 25 (d) of the Rubber Producing Facilities Disposal Act of 1953, as added by this Act [subsec. (d) of this section], and any feedstocks then located at such plant or purchased by the operating agency for use at such plant shall be disposed of in such manner as the operating agency deems advisable, at the prevailing market price for such end products and feedstocks."

LEASE OR SALE OF TANK CARS

Section 6 of act Mar. 31, 1955, provided that: "Notwithstanding any provision of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941v of this Appendix] and not withstanding any other provision of this Act [this section], the Commission or, after it ceases to exist, such agency of the Government as the President may designate, may, after securing the advice of the Attorney General as to whether the proposed lease or sale would tend to create or maintain a situation inconsistent with the antitrust laws, enter into leases or contracts of sale for all or any number of 448 pressure tank cars (ICC Classification ICC–104AW) for which the Commission invited proposals to purchase pursuant to that Act [sections 1941—1941v of this Appendix]. Each such lease may be for such duration and each such lease or contract of sale may be made on such terms (including type of use) as the Commission or such other agency deems advisable in the public interest: *Provided,* That each such lease or contract of sale shall contain, among other provisions, a national security clause, and each such lease shall contain provisions for the recapture of the tank cars leased by the Government and the termination of the lease, if the President determines that the national interest so requires. The rental or price for any such tank car or cars shall be an amount which the Commission or such agency determines to be the maximum amount obtainable in the public interest, but not less than fair value as determined by the Commission. Any of such tank cars not under lease or contract of sale to non-Federal lessees or purchasers may be transferred without charge by the Commission or such agency to any Government department or agency upon request, for such use as the Commission or such agency deems advisable and subject to national security and recapture provisions of the type hereinabove provided for in this section running in favor of the Commission or other agency transferring the tank car or cars. Any of such tank cars not sold or under lease or transferred as hereinabove provided shall be placed and maintained in adequate standby condition pursuant to the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [section 1941f of this Appendix]."

LIMITATION

Section 7 of act Mar. 31, 1955, provided that: "The provisions of this Act [this section] shall not be applicable to the disposal of any Government-owned rubber-producing facilities other than Plancor Numbered 877 and 448 pressure tank cars (ICC Classification–ICC 104AW); and all action taken pursuant to the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941v of this Appendix] prior to the enactment of this Act [this section] shall be governed by the provisions of that Act [sections 1941—1941v of this Appendix] as it existed prior to the enactment of this Act [this section] and shall have the same force and effect as if this Act [this section] had not been enacted."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941x. Disposal of rubber-producing facility at Institute, West Virginia.

(a) Receipt of proposal.

Notwithstanding the second sentence of section 7 (a) [section 1941e (a) of this Appendix], the period for receipt of proposals for the purchase of the Government-owned rubber-producing facility at Institute, West Virginia, known as Plancor Numbered 980, shall not expire until the end of the sixty-day period which begins on the date of the enactment of this section [August 9, 1955].

(b) Negotiation period.

If one or more proposals are received for the purchase of Plancor Numbered 980 within the time period specified in subsection (a), the Commission, notwithstanding the expiration of the period for negotiation specified in section 7 (f) [section 1941e (f) of this Appendix], shall negotiate with those submitting the proposals for a period of not to exceed

seventy-five days for the purpose of entering into a definite contract of sale.

(c) Report to Congress; transfer period.

Within ten days after the termination of the actual negotiation period referred to in subsection (b), or, if Congress is not then in session, within ten days after Congress next convenes, the Commission shall prepare and submit to the Congress a report containing with respect to the disposal under this section of Plancor Numbered 980, the information described in paragraphs (1) to (5), inclusive, and paragraph (8) of section 9 (a) [section 1941g (a) of this Appendix]. Unless the contract is disapproved by either House of the Congress by a resolution prior to the expiration of thirty days of continuous session (as defined in section 9 (c) [section 1941g (c) of this Appendix]) of the Congress following the date upon which the report is submitted to it, upon the expiration of such thirty-day period the contract shall become fully effective and the Commission shall proceed to carry it out, and transfer of possession of the facility sold shall be made as soon as practicable but in any event within thirty days after the expiration of such thirty-day period. The failure to complete transfer of possession within thirty days after the expiration of the period for congressional review shall not give rise to or be the basis of rescission of the contract of sale.

(d) Standby condition.

If, upon termination of the transfer period provided for in subsection (c), no contract for the sale of Plancor Numbered 980 has become effective, the operating agency last designated by the President shall continue to maintain said Plancor in adequate standby condition under the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [section 1941f of this Appendix]. (Aug. 7, 1953, ch. 338, § 26, as added Aug. 9, 1955, ch. 696, § 1, 69 Stat. 628.)

SUBMISSION OF DISPOSAL REPORT TO ATTORNEY GENERAL

Section 2 of act Aug. 9, 1955, provided that: "Notwithstanding the provisions of section 3 (d) of the Rubber Producing Facilities Disposal Act of 1953 [section 1941a (d) of this Appendix], the Rubber Producing Facilities Disposal Commission (hereinafter referred to as the 'Commission') before submission to the Congress of its report relative to Plancor Numbered 980, shall submit it to the Attorney General, who shall, within seven days after receiving the report, advise the Commission whether, in his opinion, the proposed disposition, if carried out, will violate the antitrust laws."

DISPOSAL CRITERIA

Section 5 of act Aug. 9, 1955, provided that: "Except as otherwise provided in this Act [this section], disposal of Plancor Numbered 980 shall be fully subject to all the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941w of this Appendix] and such criteria as have been established by the Commission in handling disposal of other Government-owned rubber producing facilities under that Act [sections 1941—1941w of this Appendix]: *Provided,* That the provisions of sections 7 (j), 7 (k), 9 (d), 9 (f), 10, 11, 15, and 24 of that Act [sections 1941e (j), 1941e (k), 1941g (d), 1941g (f), 1941h, 1941i, 1941m, and 1941n of this Appendix] shall not apply to the disposal of Plancor Numbered 980. As promptly as practicable following the date of transfer of possession of Plancor Numbered 980 to a purchaser under this Act [this section], the operating agency last designated by the President shall offer for sale to such purchaser the end products at such plant and held in inventory for Government account on the day of such transfer of possession, together with the feedstocks then located at such plant or purchased by the operating agency for use at such plant. Sale of such end products shall be made at the Government sales price prevailing on the business day next preceding the date of transfer of possession of such plant. Sale of such feedstocks shall be made at not less than their cost to the Government. In the event the purchaser declines to purchase such end products or feedstocks when first offered to it by the operating agency, they may be thereafter disposed of in such manner as the operating agency deems advisable. In the event Plancor Numbered 980 is not sold under the provisions of this Act [this section], any end products at such plant and held in inventory for Government account and any feedstocks located at such plant or purchased by the operating agency for use at such plant shall be disposed of in such manner as the operating agency deems advisable, at the prevailing market price for such end products and feedstocks."

LIMITATION

Section 6 of act Aug. 9, 1955, provided that: "The provisions of this Act [this section] shall not be applicable to the disposal of any Government-owned rubber-producing facilities other than Plancor Numbered 980; and all action taken pursuant to the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941v of this Appendix], or the amendment thereto known as Public Law 19 [section 1941w of this Appendix], enacted March 31, 1955, prior to the enactment of this Act [this section] shall be governed by the provisions of that Act [sections 1941—1941v of this Appendix] as it existed prior to the enactment of this Act [this section] and shall have the same force and effect as if this Act [this section] had not been enacted."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

§ 1941y. Disposal of rubber-producing facility at Louisville, Kentucky.

(a) Receipt of proposal.

Notwithstanding the second sentence of section 7 (a) [section 1941e (a) of this Appendix], the period for receipt of proposals for the purchase of the Government-owned rubber-producing facility at Louisville, Kentucky, known as Plancor Numbered 1207 and hereinafter referred to as the "Louisville plant", shall not expire until the end of the thirty-day period which begins on the date of the enactment of this section [March 21, 1956].

(b) Negotiation period.

If one or more proposals are received for the purchase of the Louisville plant within the time period specified in subsection (a), the Commission, notwithstanding the expiration of the period for negotiation specified in section 7 (f) [section 1941e (f) of this Appendix], shall negotiate with those submitting the proposals for a period of not to exceed thirty days for the purpose of entering into a contract of sale.

(c) Report to Congress; transfer period.

Within ten days after the termination of the actual negotiation period referred to in subsection (b), or, if Congress is not then in session, within ten days after Congress next convenes, the Commission shall prepare and submit to the Congress a report containing, with respect to the disposal under this section of the Louisville plant, the information described in paragraphs 1, 2, 3, 4, and 8 of section 9 (a) [section 1941g (a) of this Appendix]. Unless the contract is disapproved by either House of the Congress by a resolution prior to the expiration of

thirty days of continuous session (as defined in section 9 (c) [section 1941g (c) of this Appendix]) of the Congress following the date upon which the report is submitted to it, upon the expiration of such thirty-day period the contract shall become fully effective and the Commission shall proceed to carry it out, and transfer of possession of the facility sold shall be made as soon as practicable but in any event within thirty days after the expiration or termination of the existing lease on the Louisville plant. The failure to complete transfer of possession within thirty days after expiration or termination of the existing lease shall not give rise to or be the basis of rescission of the contract of sale. (Aug. 7, 1953, ch. 338, § 27, as added Mar. 21, 1956, ch. 89, § 1, 70 Stat. 51.)

SUBMISSION OF DISPOSAL REPORT TO ATTORNEY GENERAL

Section 2 of act Mar. 21, 1956, provided that: "Notwithstanding the provisions of section 3 (d) of the Rubber Producing Facilities Disposal Act of 1953 [section 1941a (d) of this Appendix], the Rubber Producing Facilities Disposal Commission (hereinafter referred to as the 'Commission'), before submission to the Congress of its report relative to the Louisville plant shall submit it to the Attorney General, who shall, within seven days after receiving the report, advise the Commission whether, in his opinion, the proposed disposition, if carried out, will violate the antitrust laws."

LEASE; TRANSMITTAL TO ATTORNEY GENERAL; CONGRESSIONAL REVIEW

Section 4 of act Mar. 21, 1956, provided that:

"(a) Notwithstanding the provisions of section 9 (d) [section 1941g (d) of this Appendix] and notwithstanding the period of lease limitation in section 9 (f) [section 1941g (f) of this Appendix] of the Rubber Producing Facilities Disposal Act of 1953, the Commission or its successor may, provided the period for receipt of proposals for the purchase of the Louisville plant has expired as provided in section 27 (a) of that Act [subsection (a) of this section] and no proposal or contract for the purchase of the Louisville plant is then pending or in effect, extend the existing lease or enter into a new lease on the Louisville plant for a term of not less than five years nor more than fifteen years from the date of termination of said existing lease.

"(b) Notwithstanding the provisions of sections 8 (a) (3) and 9 (f) of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941f (a) (3) and 1941g (f) of this Appendix] relating to the period for review by the Attorney General, the Commission, before submission to the Congress of a lease or lease extension relative to the Louisville plant, shall submit it to the Attorney General, who shall, within seven days after receiving the lease or lease extension, advise the Commission whether the proposed lease or lease extension would tend to create or maintain a situation inconsistent with the antitrust laws.

"(c) Within ten days after the termination of the lease negotiations authorized in subsection (a) of this section, or, if Congress is not then in session, within ten days after Congress next convenes, the Commission shall report to the Congress the lease or lease extension negotiated pursuant to this section. The Commission shall submit at the same time the statement of the Attorney General approving the proposed lease or lease extension in accordance with the standard set forth in subsection (b) of this section, and the names of the persons who have represented the Government or lessee in conducting negotiations for the lease or lease extension on the Louisville plant. Unless the lease or lease extension is disapproved by either House of the Congress by resolution prior to the expiration of thirty days of continuous session (as defined in section 9 (c) of the Rubber Producing Facilities Disposal Act of 1953 [section 1941g (c) of this Appendix]) of the Congress following the date upon which the lease or lease extension is submitted to it, upon the expiration of such thirty-day period the lease or lease extension shall become fully effective and the Commission shall proceed to carry it out in acocrdance with its terms."

DISPOSAL CRITERIA

Section 5 of act Mar. 21, 1956, provided that: "Except as otherwise provided in this Act [this section], the disposal or lease of the Louisville plant shall be fully subject to all the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941—1941x of this Appendix] and such criteria as have been established by the Commission in handling disposal of other Government-owned rubber producing facilities under this Act [sections 1941—1941x of this Appendix]: *Provided*, That the provisions of sections 7 (j), 7 (k), 10, 15 and 24 of that Act [sections 1941e (j), 1941e (k), 1941h (d), 1941m and 1941v of this Appendix] shall not apply to the disposal or lease of the Louisville plants."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1941 to 1941y of this Appendix.

DISPLACED PERSONS, REFUGEES AND ORPHANS

ADMISSION OF DISPLACED PERSONS

ACT JUNE 25, 1948, CH. 647, 62 STAT. 1009

§§ 1951 to 1965. Omitted.

Sections authorized the admission of displaced persons and permitted the issuance of immigration visas without regard to quota limitations prior to June 30, 1952.

Section 1951, acts June 25, 1948, ch. 647, § 2, 62 Stat. 1009; June 16, 1950, ch. 262, §§ 1—3, 64 Stat. 219; June 28, 1951, ch. 167, § 2, 65 Stat. 96, defined terms used in sections 1951—1956 and 1958—1965 of this Appendix.

Section 1952, acts June 25, 1948, ch. 647, § 3, 62 Stat. 1010; June 16, 1950, ch. 262, § 4, 64 Stat. 221; June 28, 1951, ch. 167, § 1, 65 Stat. 96; June 27, 1952, ch. 477, title IV, § 402(h) (1), (2), 66 Stat. 277, authorized the issuance of visas prior to June 30, 1952, and provided for the use of quota numbers.

Section 1953, acts June 25, 1948, ch. 647, § 4, 62 Stat. 1011; June 16, 1950, ch. 262, § 5, 64 Stat. 224; June 27, 1952, ch. 477, title IV, § 402(h)(3), 66 Stat. 277, provided for the adjustment of the immigration status of aliens who entered prior to Apr. 30, 1949, if application for adjustment was made within two years after June 25, 1948.

Section 1954, acts June 25, 1948, ch. 647, § 5, 62 Stat. 1011; June 28, 1951, ch. 167, § 3, 65 Stat. 96; June 27, 1952, ch. 477, title IV, § 402(h)(4), 66 Stat. 277, related to the determination of quota nationality.

Section 1955, acts June 25, 1948, ch. 647, § 6, 62 Stat. 1012; June 16, 1950, ch. 262, § 6, 64 Stat. 224; June 27, 1952, ch. 477, title IV, § 402(h)(5), 66 Stat. 277, related to preferences and priorities and authorized a "good faith" oath.

Section 1956, acts June 25, 1948, ch. 647, § 7, 62 Stat. 1012; June 12, 1950, ch. 262, § 7, 64 Stat. 225, required priority to be given to persons who bore arms against enemies of the United States or who served in labor service or guard units of the U.S. Army.

Section 1957, acts June 25, 1948, ch. 647, § 8, 62 Stat. 1012; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881; June 16, 1950, ch. 262, § 8, 64 Stat. 225, created a Displaced Persons Commission of three members appointed for a term ending August 31, 1952 and provided for appropriations, employment of personnel, issuance of rules and regulations and reports to the President and the Congress, including a final report at the end of the Commission's term. Acts June 25, 1948, ch. 647, § 8, 62 Stat. 1012; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, formerly classified to section 1957 of this Appendix, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 654, 655.

Section 1958, act June 25, 1948, ch. 647, § 9, 62 Stat. 1013, related to reporting to Displaced Persons Commission by admitted persons.

Section 1959, acts June 25, 1948, ch. 647, § 10, 62 Stat. 1013; June 16, 1950, ch. 262, § 9, 64 Stat. 225, provided

for investigation and report on all persons prior to admittance.

Section 1960, act June 25, 1948, ch. 647, § 11, 62 Stat. 1013, prohibited preference or priority for visas under other laws after June 30, 1948.

Section 1961, acts June 25, 1948, ch. 647, § 12, 62 Stat. 1013; June 16, 1950, ch. 262, § 10, 64 Stat. 226; June 27, 1952, ch. 477, title IV, § 402(h)(6), 66 Stat. 278, related to admission of persons of German ethnic origin.

Section 1962, acts June 25, 1948, ch. 647, § 13, 62 Stat. 1014; June 16, 1950, ch. 262, § 11, 64 Stat. 227, enumerated persons excluded from the provisions authorizing visas.

Section 1962a, act June 25, 1948, ch. 647, § 14, as added June 16, 1950, ch. 262, § 12, 64 Stat. 227, authorized the Reconstruction Finance Corporation to made advances to the Displaced Persons Commission.

Section 1963, act June 25, 1948, ch. 647, § 15, formerly § 14, 62 Stat. 1014, renumbered June 16, 1950, ch. 262, § 12, 64 Stat. 227, prescribed penalties for violations of sections 1951—1956 and 1958—1965 of this Appendix.

Section 1964, act June 25, 1948, ch. 647, § 16, as added June 16, 1950, ch. 262, § 13, 64 Stat. 228, related to conferences respecting problems of persons of German ethnic origin.

Section 1965, act June 25, 1948, ch. 647, § 17, as added June 16, 1950, ch. 262, § 14, 64 Stat. 228, required transportation by American flagships or planes.

ADMISSION OF REFUGEES AND ORPHANS

ACT AUG. 7, 1953, CH. 336, 67 STAT. 400

§§ 1971 to 1971q. Omitted.

Sections related to admission of refugees and orphans under visas issued prior to December 31, 1956.

Sections 1971, 1971a, act Aug. 7, 1953, ch. 336, §§ 2, 3, 67 Stat. 401, defined terms used in sections 1971–1971q of this Appendix, and authorized 205,000 special nonquota immigrant visas.

Section 1971b, acts Aug. 7, 1953, ch. 336, § 4, 67 Stat. 401; Aug. 31, 1954, ch. 1169, § 1, 68 Stat. 1044, provided for the allocation among classes of the visas issued under section 1971a of this Appendix.

Section 1971c, acts Aug. 7, 1953, ch. 336, § 5, 67 Stat. 402; Aug. 31, 1954, ch. 1169, § 2, 68 Stat. 1044, authorized not more than 4,000 special nonquota immigrants visas to eligible orphans.

Section 1971d, acts Aug. 7, 1953, ch. 336, § 6, 67 Stat. 403; Aug. 31, 1954, ch. 1169, § 3, 68 Stat. 1044, permitted applications not later than June 30, 1955, to adjust the immigrant status of temporary residents.

Section 1971e, acts Aug. 7, 1953, ch. 336, § 7, 67 Stat. 403; Aug. 31, 1954, ch. 1169, § 4, 68 Stat. 1045, related to assurances of citizen sponsors, and deportation for inadmissibility.

Sections 1971f—1971q, act Aug. 7, 1953, ch. 336, §§ 8–17, 19, 20, 67 Stat. 404—407, related to intergovernmental arrangements for assistance to immigrants, use of American ships and airplanes, determination of eligibility on nondiscriminatory basis, exemption from visa fees, safeguards in regard to security-screening, priorities in consideration of visa applications, ineligibility of certain persons, applicability of Immigration and Nationality Act, loans to pay transportation, eligible alines as nonquota immigrants, reports to the President and the Congress, and the termination of the provisions of sections 1871–1871q of this Appendix on December 31, 1956.

ADMISSION OF ORPHANS ADOPTED BY CITIZENS SERVING ABROAD

JOINT RES. JULY 29, 1953, CH. 268, 67 STAT. 229.

§§ 1975 to 1975c. Omitted.

Sections, Joint Res. July 29, 1953, ch. 268, §§ 1–4, 67 Stat. 229, 230, authorized the issuance of not more than 500 special nonquota immigrant visas to orphans adopted by citizens serving abroad and provided that the issuance of visas shall terminate not later than December 31, 1954.

AMERICAN-JAPANESE EVACUATION CLAIMS

ACT JULY 2, 1948, CH. 814, 62 STAT. 1231

Sec.
1981. Attorney General's jurisdiction; uncompensated claims; condition precedent; definitions.
1982. Time limitation on presentation of claims; claims excluded.
1983. Notice; evidence; records.
1984. Compromise of claims by Attorney General; jurisdiction of Court of Claims to determine claims timely filed; report to the Congress; payment of awards; finality of decisions.
1985. Attorney's fees; penalty for overcharging.
1986. Administration.
1987. Appropriations.

§ 1981. Attorney General's jurisdiction; uncompensated claims; condition precedent; definitions.

(a) The Attorney General shall have jurisdiction to compromise and settle and make an award in an amount not to exceed $100,000 as hereinafter provided on any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise, for damage to or loss of real or personal property (including without limitation as to amount damage to or loss of personal property bailed to or in the custody of the Government or any agent thereof), that is (except as is otherwise provided by subsections 1(b)(2) and (1)(b)(3)) [subsections (b)(2) and (b)(3) of this section] a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington; or from the Territory of Alaska, or the Territory of Hawaii, under authority of Executive Order Numbered 9066, dated February 19, 1942 (3 C.F.R. Cum. Supp. 1092), section 67 of the Act of April 30, 1900 [section 532 of Title 48], or Executive Order Numbered 9489, dated October 18, 1944 (3 C.F.R. 1944 Supp. 45).

(b) As used herein—

(1) "Evacuation" shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom.

(2) "Claims by a person of Japanese ancestry" shall include claims that were filed by any profit or nonprofit organization, corporate or otherwise, the majority of whose stock was owned by, or the majority of whose stockholders or members were, on December 7, 1941, and on the date of the filing of the claim, persons of Japanese ancestry actually residing within the continental limits of the United States or its Territories: *Provided, however,* That the losses sustained by the particular organization were the result (1) of the evacuation and exclusion of its stockholders or members, or (2) of the evacuation and exclusion of persons of Japanese ancestry upon whom the organization depended for its business or support. Such claims shall not be barred by awards or disallowances heretofore made.

(3) "Claim by a person of Japanese ancestry" shall also include claims which have been timely filed for such damage or loss as heretofore defined incurred by persons of Japanese ancestry detained, interned, or paroled, and subsequently

released, pursuant to Revised Statutes, sections 4067—70, as amended (relating to alien enemies) [sections 21 to 24 of Title 50]. Such claims shall also include losses due to the exclusion of the families and relatives of such persons during their detention or internment. Any such person shall be deemed to have been excluded from such military areas and territories as of the date he would have been evacuated had he not been detained or interned. The claim of or on behalf of such person shall not be barred by any award or disallowance heretofore made.

(July 2, 1948, ch. 814, § 1, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 513.)

AMENDMENTS

1956—Subsec. (a). The former first sentence of section was designated subsec. (a) by act July 9, 1956, which permitted the Attorney General to compromise and settle and make an award in an amount not to exceed $100,000.

Subsec. (b). The former second sentence of section was designated subsec. (b) by act July 9, 1956, which defined "claims by a person of Japanese ancestry" and "claim by a person of Japanese ancestry".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1984, 1986, 1987 of this Appendix.

§ 1982. Time limitation on presentation of claims; claims excluded.

(a) The Attorney General shall receive claims for a period of eighteen months from the date of the original enactment of this Act [July 2, 1948]. All claims not presented within that time shall be forever barred: *Provided, however,* That any claim received by the Attorney General bearing a postmark prior to midnight, January 3, 1950, shall be considered to be timely filed within the said eighteen months. Any claim, timely filed, may be amended at any time prior to its final determination in order to include then compensable items of claim which, by the provisions of this Act [sections 1981—1987 of this Appendix] as they existed when the claim was filed, the Attorney General was not authorized to determine or consider.

(b) The Attorney General shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;

(2) except as provided in section 1(b)(3) [section 1981(b)(3) of this Appendix], for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended [sections 21—24 of Title 50], or pursuant to the Trading With the Enemy Act, as amended [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix]:

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended [sections 1 to 6, 7 to 39 and 41 to 44 of this Appendix];

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and

(5) for loss of anticipated profits or loss of anticipated earnings.

(July 2, 1948, ch. 814, § 2, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 514.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, validated claims received by the Attorney General bearing a postmark prior to midnight, Jan. 3, 1950, and permitted amendment of claims timely filed.

Subsec. (b)(2). Act July 9, 1956, inserted "except as provided in section 1(b)(3)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1984, 1986, 1987 of this Appendix.

§ 1983. Notice; evidence; records.

(a) The Attorney General shall give reasonable notice to the interested parties and an opportunity for them to present evidence before making a final determination upon any claim.

(b) For the purpose of any investigation authorized under this Act [sections 1981 to 1987 of this Appendix], the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended [sections 49 and 50 of Title 15], are made applicable to the jurisdiction, powers, and duties of the Attorney General. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

(c) A record shall be kept of all proceedings under this Act [sections 1981 to 1987 of this Appendix] and shall be open to public inspection. (July 2, 1948, ch. 814, § 3, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 515.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, eliminated provisions permitting interested parties to be heard.

Subsec. (b). Act July 9, 1956, eliminated provisions relating to hearings.

Subsec. (c). Act July 9, 1956, eliminated provisions relating to hearings, and substituted "records" for "written record".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1984, 1986, 1987 of this Appendix.

§ 1984. Compromise of claims by Attorney General; jurisdiction of Court of Claims to determine claims timely filed; report to the Congress; payment of awards; finality of decisions.

(a) The Attorney General is authorized to compromise and settle and make an award in an amount not to exceed $100,000 on any claim timely filed under this Act, as amended [sections 1981 to 1987 of this Appendix], on the basis of affidavits, available Government records, and other information satisfactory to him.

(b) The Court of Claims shall have jurisdiction to determine any claim timely filed under this Act [sections 1981 to 1987 of this Appendix]. A petition for the determination of a claim by the Court of Claims shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of such petition, the Court of Claims shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the Court of Claims the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case. Such petition shall, to the fullest practicable extent, be treated for docketing, hearing, and determination as if the petition had been filed with the Court of Claims on the date the original claim was received by the Attorney General: *Provided, however,* That no such petition shall have precedence by reason hereof over petitions involving interest-bearing obligations of the United States.

(c) On the first day of each regular session of Congress the Attorney General shall transmit to Congress a full and complete statement of all compromise settlements effected by the Attorney General under this Act, as amended [sections 1981 to 1987 of this Appendix], during the previous year, stating the name and address of each claimant, the amount claimed, and the amount awarded. All awards shall be paid in like manner as are final judgments of the Court of Claims.

(d) Except as herein provided, the payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. (July 2, 1948, ch. 814, § 4, 62 Stat. 1232; Aug. 17, 1951, ch. 327, § 1, 65 Stat. 192; July 9, 1956, ch. 531, 70 Stat. 514.)

REFERENCES IN TEXT

Any time after enactment of this subsection, referred to in subsec. (b), probably means any time after July 9, 1956, which was the date of enactment of the 1956 amendment to the subsection.

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, substituted provisions permitting the Attorney General to compromise and settle and make an award in an amount not to exceed $100,000 for provisions which required him to adjudicate, except as to compromised claims, all claims filed, by award or order of dismissal, upon written findings of fact and reasons for the decision.

Subsec. (b). Act July 9, 1956, substituted provisions granting jurisdiction to the Court of Claims to determine timely claims for provisions which authorized the Attorney General to make payment of any award not exceeding $2,500 in amount.

Subsec. (c). Act July 9, 1956, required the Attorney General to report on all compromise settlements effected during the previous year.

Subsec. (d). Act July 9, 1956, inserted "Except as herein provided", and eliminated provisions which barred any further claim against the United States where there is an order of dismissal against a claimant, unless set aside by the Attorney General.

1951—Subsec. (a). Act. Aug. 17, 1951, inserted the exception as to claims compromised.

EXCLUSION FROM GROSS INCOME OF CERTAIN AWARDS MADE PURSUANT TO EVACUATION CLAIMS OF JAPANESE-AMERICAN PERSONS

Section 27 of Pub. L. 87-834, Oct. 16, 1962, 76 Stat. 1067, provided that:

"(*a*) *In general.*—No amount received as an award under the Act entitled 'An Act to authorize the Attorney General to adjudicate certain claims resulting from evacuation of certain persons of Japanese ancestry under military orders', approved July 2, 1948, as amended by Public Law 116, Eighty-second Congress, and Public Law 673, Eighty-fourth Congress (50 U.S.C. App., secs. 1981—1987), shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1939 or chapter 1 of the Internal Revenue Code of 1954.

"(*b*) *Effective date, etc.*—Subsection (a) shall apply with respect to taxable years ending after July 2, 1948. If refund or credit of any overpayment of Federal income tax resulting from the application of subsection (a) (including interest, additions to the tax, additional amounts, and penalties) is prevented on the date of the enactment of this Act [Oct. 16, 1962], or within one year from such date, by the operation of any law or rule of law, the refund or credit of such overpayment may nevertheless be made or allowed if claim therefor is filed within one year after the date of enactment of this Act [Oct. 16, 1962]. In the case of a claim to which the preceding sentence applies, the amount to be refunded or credited as an overpayment shall not be diminished by any credit or setoff based upon any item other than the amount of the award referred to in subsection (a). No interest shall be allowed or paid on any overpayment resulting from the application of this section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1986, 1987 of this Appendix.

§ 1985. Attorney's fees; penalty for overcharging.

The Attorney General, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both. (July 2, 1948, ch. 814, § 5, 62 Stat. 1232.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1984, 1986, 1987 of this Appendix.

§ 1986. Administration.

For the purposes of this Act [sections 1981 to 1987 of this Appendix] the Attorney General may—

(a) appoint a clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary;

(b) call upon any Federal department or agency for any information or records necessary;

(c) secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered;

(d) utilize such voluntary and uncompensated services as may from time to time be needed and available;

(e) assist needy claimants in the preparation and filing of claims;

(f) make such investigations as may be necessary;

(g) make expenditures for witness fees and mileage and for other administrative expenses;

(h) prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as he may deem proper in carrying out the provisions of this Act [sections 1981 to 1987 of this Appendix].

(July 2, 1948, ch. 814, § 6, 62 Stat. 1232.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1984, 1987 of this Appendix.

§ 1987. Appropriations.

There are authorized to be appropriated for the purposes of this Act [sections 1981 to 1987 of this Appendix] such sums as Congress may from time to time determine to be necessary. (July 2, 1948, ch. 814, § 7, 62 Stat. 1233; Aug. 17, 1951, ch. 327, § 2, 65 Stat. 192; July 9, 1956, ch. 531, 70 Stat. 515.)

AMENDMENTS

1956—Act July 9, 1956, eliminated provisions which made funds available for payment of settlement awards.

1951—Act Aug. 17, 1951, inserted provisions giving the Attorney General authority to effect compromise settlement of certain claims, not to exceed $2,500 in amount with respect to each such claim.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1983, 1984, 1986 of this Appendix.

MEDICAL CARE FOR PHILIPPINE VETERANS

ACT JULY 1, 1948, CH. 785, 62 STAT. 1210

§§ 1991 to 1996. Repealed. Pub. L. 85-461, § 5, June 18, 1958, 72 Stat. 203.

Sections, act July 1, 1948, ch. 785, §§ 1—6, 62 Stat. 1210, related to medical care and treatment of Philippine veterans, grants-in-aid for construction of hospitals and expenses of medical care, and authorized appropriations. See sections 631—634 of Title 38, Veterans' Benefits.

Section 1994 was amended by act June 18, 1954, ch. 329, 68 Stat. 268.

WAR CLAIMS

ACT JULY 3, 1948, CH. 826, 62 STAT. 1240

TITLE I

Sec.
2001. Foreign Claims Settlement Commission of the United States.
(a) Employment of personnel; use of other facilities and services.
(b) Rules and regulations; delegation of functions; time limit on filing of claims.
(c) Subpenas; issuance; contempt; witness fees; administration of oaths.
(d) Appointment; terms of office.
2002. Jurisdiction of Commission.
2003. Claims of employees of contractors.
(a) Payment by Secretary of Labor of certain claims; execution of releases.
(b) Cancellation of employees' obligations; repayment to employees.
(c) Amendment of section 1702 (a) of Title 42.
2004. Internees.
(a) Definition.
(b) Payment of detention benefits.
(c) Amount of detention benefits.
(d) Persons entitled to detention benefits.
(e) Certification of claims.
(f) Application of sections 1701 to 1706 and 1711 to 1717 of Title 42; factors for determining benefits; effective date.
(g) Benefits for civilian internees in Korea, and dependents; time.
(h) Benefits for Guamanians killed or captured at Wake Island on or after December 7, 1941.
(i) Detention benefits for civilian internees in Southeast Asia; definitions; authority of Commission; claim for benefits; rate of compensation; persons entitled to payments; certification for payment; filing date; determination of claims; appropriations.
2005. Prisoners of war.
(a) Definition.
(b) Payment of claims; rate allowed; certification of claims.
(c) Persons entitled to payments.
(d) Additional definition of "prisoner of war"; payment of claims; rate allowed; persons entitled to payments.
(e) Extension to Korean War prisoners.
(f) Vietnam conflict; definitions; authority of Commission; classes of claims; rate of compensation; certification for payment; persons entitled to payments; filing date; determination of claims; fund for payment; appropriations.
(g) Manner of payment.
2006. Religious organizations.
(a) Reimbursement for services furnished members of armed services and American civilians; certification of claims.
(b) Compensation for loss or damage to real property used in educational, medical, or welfare work.
(c) Compensation to replace facilities.
(d) Determination of claims.
(e) Investigation; determination of replacement costs; basis used.
(f) Filing of claims; adjudication; place and use of payments.
(g) Claims of internees and prisoners of war unaffected.
(h) Denominational organizations.
2007. Commissions report on personal injury and property claims to President; findings; recommendations; public property; legislative effect.
2008. Reports to Congress.
2009. Fee limitation for representing claimants; penalties.
2010. Hearings on claims; finality of decision.
2011. Amendment to Trading With the Enemy Act.
2012. War Claims Fund.
(a) Composition; expenditure.
(b) Estimation and certification to Treasury of total amount necessary under section 2004 (f).
(c) Estimation and certification to Treasury of total amount necessary under section 2003 (c).
(d) Certification to Treasury of total canceled obligations under section 2003 (b) (1).
(e) Appropriations for Commission's work.
2012a. Same; limitation on funds used for claim payment.
2013. Payments to certain members of religious orders.
2014. United States citizens serving in allied forces.
(a) Right to compensation.
(b) Deductions.
(c) Payments on death.
(d) Filing date for claims.
(e) Certification of claim for payment.

Sec.
2015. Detention benefits to merchant seamen.
(a) Definition.
(b) Determination of claim; rate of payment.
(c) Collaborationists excluded.
(d) Time of filing claim.
(e) Certification of claim for payment.
2016. Philippines.
(a) Losses by individual from sequestered credits; loss by banks or other financial institutions.
(b) Filing date for claims.
(c) Death or legal disability as affecting payments.
(d) Certification of claims for payment.

TITLE II

2017. Definitions.
2017a. Claims authorized.
2017b. Transfers and assignments.
2017c. Nationality of claimants.
2017d. Claims of stockholders.
2017e. Deductions in making awards.
2017f. Consolidated awards.
2017g. Certain awards prohibited.
2017h. Certification of awards.
2017i. Claim filing period.
2017j. Claims settlement period.
2017k. Notification to claimants.
2017*l*. Payment of awards; priorities; limitations.
2017m. Fees of attorneys and agents.
2017n. Application of other laws.
2017*o*. Transfer of records.
2017p. Administrative expenses.

TITLE I

§ 2001. Foreign Claims Settlement Commission of the United States.

(a) Employment of personnel; use of other facilities and services.

The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the "Commission") may, in accordance with the provisions of the civil-service laws and the Classification Act of 1949, as amended, appoint and fix the compensation of such officers, attorneys, and employees, and may make such expenditures, as may be necessary to carry out its functions. Officers and employees of any other department or agency of the Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government, utilize the facilities and services of such department or agency in carrying out the functions of the Commission.

(b) Rules and regulations; delegation of functions; time limit on filing of claims.

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. The limit of time within which claims may be filed with the Commission shall in no event be later than March 31, 1952. The Commission shall take immediate action to advise all persons entitled to file claims under the provisions of this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix] administered by the Commission of their rights under such provisions, and to assist them in the preparation and filing of their claims.

(c) Subpenas; issuance; contempt; witness fees; administration of oaths.

(1) For the purpose of any hearing, examination, or investigation under this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix], the Commission and those employees designated by the Commission shall have the power to issue subpenas requiring persons to appear and testify or to appear and produce documents, or both, at any designated place where such hearing, examination, or investigation is being held. The Commission or any employee so designated shall, upon application of a claimant, issue to such claimant subpenas requiring the attendance and testimony of witnesses or the production of documents, or both, required by such claimant in hearings upon his claim: *Provided*, That the claimant making such application pay the witness fees and mileage of any witness or witnesses subpenaed upon his request. The production of a person's documents at any place other than his place of business shall not be required, however, in any case in which, prior to the return date specified in the subpena with respect thereto, such person either has furnished the issuer of the subpena with a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with the issuer of the subpena as to the information contained in such documents.

(2) The Commission may, in case of a failure or refusal on the part of any person to comply with any such subpena, invoke the aid of any United States district court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or such person resides or transacts business. Such court may issue an order requiring such person to appear at the designated place of hearing, examination, or investigation, there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such order of the court shall be punishable by such court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

(3) Witnesses subpenaed under this subsection shall be paid the same fees and mileage that are allowed and paid witnesses in United States district courts.

(4) Any member of the Commission, and any employee of the Commission authorized by the Commission to do so, may administer to, or take from, any person an oath, affirmation, or affidavit when such action is necessary or appropriate in the performance of the functions or activities of the Commission.

(d) Appointment; terms of office.

The term of office of members of the Foreign Claims Settlement Commission holding office on the date of enactment of this subsection [Oct. 22, 1962] shall expire at the end of the one-year period which begins on such date [Oct. 22, 1962], but during such one-year period each such member shall continue to hold office at the pleasure of the President. The President shall thereafter appoint, by

and with the advice and consent of the Senate, three members of the Commission. The term of office of each member of the Commission shall be three years, except that of the members first appointed after the end of the one-year period which begins on the date of enactment of this subsection [Oct. 22, 1962], one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. (July 3, 1948, ch. 826, § 2, 62 Stat. 1240; May 27, 1949, ch. 145, § 1(1), 63 Stat. 112; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Aug. 16, 1950, ch. 718, 64 Stat. 449; Apr. 5, 1951, ch. 27, 65 Stat. 29; 1954 Reorg. Plan No. 1 §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 21, 1954, ch. 784, § 3, 68 Stat. 762; Oct. 22, 1962, Pub. L. 87-846, title I, §§ 102, 104(a), 76 Stat. 1107, 1113.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are classified generally to Title 5, Government Organization and Employees.

The Classification Act of 1949, as amended, referred to in subsec. (a), is now covered by chapter 51 and subchapter III of chapter 53 of Title 5.

AMENDMENTS

1962—Subsecs. (b), (c)(1). Pub. L. 87-846, § 102, substituted "title" for "Act."

Subsec. (d). Pub. L. 87-846, § 104(a), added subsec. (d).

1954—Subsec. (a). Subsec. was formerly subsec. (b) and was redesignated "(a)" by act Aug. 21, 1954, § 3 (a). Former subsec. (a), which related to establishment and composition of the former War Claims Commission, and which had been affected by 1954 Reorg. Plan No. 1 (see "Abolishment of War Claims Commission and Transfer of Functions" note below), was repealed by the same subsection of section 3 of such act.

Subsec. (a). Act Aug. 21, 1954, § 3(b), substituted "The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the 'Commission')" for "The Commission", the latter term having referred to the former War Claims Commission.

Subsec. (b). Subsec. was formerly subsec. (c) and was redesignated "(b)" by act Aug. 21, 1954, § 3(a). Former subsec. (b) was redesignated "(a)" by the same subsection of section 3 of such act. See first paragraph of this 1954 Amendment note.

Subsec. (c). Subsec. was formerly subsec. (d) and was redesignated "(c)" by act Aug. 21, 1954, § 3(a). Former subsec. (c) was redesignated "(b)" by the same subsection of section 3 of such act. See immediately preceding paragraph of this 1954 Amendment note.

Former subsec. (d). Subsec. was redesignated "(c)". See immediately preceding paragraph of this 1954 Amendment note.

Former subsec. (e). Act Aug. 21, 1954, § 3(a), repealed former subsec. (e), which related to termination of the former War Claims Commission.

1951—Subsec. (c). Act Apr. 5, 1951, extended the time limit on filing of claims from Mar. 1, 1951 to Mar. 31, 1952, and authorized the Commission to advise claimants of their rights.

1950—Subsec. (d). Act Aug. 16, 1950, added subsec. (d).

Subsec. (e) formerly subsec. (d). Section was renumbered by act Aug. 16, 1950.

1949—Subsec. (b). Act Oct. 29, 1949, substituted the "Classification Act of 1949" for "Classification Act of 1923".

Subsec. (c). Act May 27, 1949, extended the time within which persons may file claims until March 1, 1951.

EFFECTIVE DATE OF 1951 AMENDMENT

Act Apr. 5, 1951, provided in part that the amendment of subsec. (c) shall take effect as of Mar. 1, 1951.

EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of section 9 of act Oct. 15, 1949, which is set out as a note under section 273 of Title 2, The Congress.

SHORT TITLE

Section 1 of act July 3, 1948, provided that act July 3, 1948, which in enacting sections 2001—2012 and 2013 of this Appendix, amendment to section 1702(a) of Title 42, and addition of section 39 of this Appendix should be popularly known as the "War Claims Act of 1948".

REPEALS

Act Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, formerly set out in the credit of this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 655.

TITLE I OF ACT

Section 101 of Pub. L. 87-846 designated sections 2—17 of act July 3, 1948, as amended [sections 2001—2012, 2013—2016 of this Appendix], as title I.

TIME LIMIT FOR SETTLEMENT OF CLAIMS UNDER WAR CLAIMS ACT AMENDMENTS OF 1954

Section 105 of act Aug. 31, 1954, ch. 1162, title I, 68 Stat. 1037, provided that: "Within two years after the date of enactment of this Act [Aug. 31, 1954], the Foreign Claims Settlement Commission of the United States shall wind up its affairs in connection with the settlement of all claims for benefits authorized by the amendments made by this Act [Aug. 31, 1954]."

REAPPOINTMENT OF MEMBERS OF FOREIGN CLAIMS SETTLEMENT COMMISSION

Section 104(b) of Pub. L. 87-846 provided that: "Nothing in this section shall be construed to preclude the reappointment as a member of the Foreign Claims Settlement Commission of any person holding office as a member of such Commission on the date of enactment of this Act [Oct. 22, 1962]."

ABOLISHMENT OF WAR CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The War Claims Commission, which had been established by a former subsection (a) of this section, was, along with the offices of its members, abolished and the functions of such Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, set out in the Appendix to Title 5, Government Organization and Employees.

TENURE OF WAR CLAIMS COMMISSION

Section 4 of act Apr. 9, 1952, ch. 167, 66 Stat. 49, which by sections 1 and 2 amended sections 2005 and 2006 of this Appendix, provided that nothing in that act or the amendments made by it should extend the life of the War Claims Commission for any period of time.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2002. Jurisdiction of Commission.

The Commission shall have jurisdiction to receive and adjudicate according to law claims as hereinafter provided. (July 3, 1948, ch. 826, § 3, 62 Stat. 1241.)

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2003. Claims of employees of contractors.

(a) Payment by Secretary of Labor of certain claims; execution of releases.

The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101 (a) of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended [section 1701 (a) of Title 42], or by the legal representative of any such person who may have died, for the amount by which (1) the total sum which would have been payable to such person by his employer (not including any payments for overtime), if such person's contract of employment had been in effect and he had been paid under it for the entire period during which he was entitled to receive benefits under section 101 (b) of such Act [section 1701 (b) of Title 42], exceeds (2) the entire amount creditable to such person's account for such period under the provisions of such section plus any amounts paid to such person by such employer for such period or recovered by such person in any legal action against such employer based upon such person's right against such employer for such period under the contract of employment, including payments in settlement of the liability of the employer arising under or out of such contract. No claim shall be allowed to any person under the provisions of this section unless such person executes a full release to the employer and to the United States in respect to the liability of the employer arising under or out of the contract of employment, except liability for workmen's compensation benefits under the Act of August 16, 1941, as amended [sections 1651 to 1654 of Title 42], or detention or other benefits paid under the Act of December 2, 1942, as amended [sections 1701 to 1706 and 1711 to 1717 of Title 42]. Any claim allowed under the provisions of this section shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(b) Cancellation of employees' obligations; repayment to employees.

(1) The Secretary of State is authorized and directed to cancel any obligation to the United States of any person specified in section 101 (a) of such Act of December 2, 1942 [section 1701 (a) of Title 42], to pay any sum which may have been advanced to or on behalf of any such person by the Department of State for the purpose of paying the costs of food and medical services furnished to such person during his period of internment by the Imperial Japanese Government or for the purpose of paying transportation or other expenses of repatriation.

(2) The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101 (a) of such Act of December 2, 1942 [section 1701 (a) of Title 42], for the repayment of any sum which may have been paid by such person to the Department of State in settlement of any obligation of the type referred to in paragraph (1) of this subsection. Any claim allowed under the provisions of this paragraph shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(c) Amendment of section 1702 (a) of Title 42.

Section 102 (a) of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended [section 1702 (a) of Title 42], is amended by striking out the proviso in such subsection and by substituting the following: "*Provided,* That the total compensation payable under this title [sections 1701 to 1706 of Title 42] for injury or death shall in no event exceed the limitations upon compensation as fixed in section 14 (m) of such Act [section 914 (m) of Title 33] as such section may from time to time be amended except that the total compensation shall not be less than that provided for in the original enactment of this Act [sections 1701 to 1706 and 1711 to 1717, of Title 42]: *Provided further,* That any amendment to such Act [sections 901 to 921 and 922 to 950 of Title 33], the effect of which is to increase the amount of benefits payable for injury or death, shall be applied in the administration of this section as if the amendment had been in effect at the time of the particular injury or death and the compensation (except funeral and burial expenses) in any case previously determined shall be adjusted accordingly in respect to the beneficiary entitled thereto under the Act [sections 901 to 921 and 922 to 950 of Title 33]. (July 3, 1948, ch. 826, § 4, 62 Stat. 1241; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1271; Oct. 22, 1962, Pub. L. 87–846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87–846 substituted "title" for "Act".

TRANSFER OF FUNCTIONS

The Bureau of Employees' Compensation, which performed the functions required of the Federal Security Administrator under this section as originally enacted, was transferred, with its functions, to the Department of Labor by 1950 Reorg. Plan No. 19, set out in the Appendix to Title 5, Government Organization and Employees. The Plan transferred the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, to the Secretary of Labor, and provided that all of such transferred functions shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2004. Internees.

(a) Definition.

As used in subsections (b) and (f) of this section, the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(b) Payment of detention benefits.

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

(c) Amount of detention benefits.

The detention benefit allowed to any person under the provisions of subsection (b) of this section shall be at the rate of $60 for each calendar month during which such person was at least eighteen years of age and at the rate of $25 per month for each calendar month during which such person was less than eighteen years of age.

(d) Persons entitled to detention benefits.

The detention benefits allowed under subsection (b) of this section shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband; and

(4) Parents (in equal shares) if there is no husband, or child.

(e) Certification of claims.

Any claim allowed by the Commission under this section (except under subsections (g) and (i)) shall be certified to the Secretary of the Treasury for payment out of the war claims funds established by section 13 of this title [section 2012 of this Appendix], and shall be payable by the Secretary of the Treasury to the person entitled thereto; except that where the person entitled to payment is under any legal disability, any part of the amount payable may, in the discretion of the Commission, be paid, for the use of the claimant, to the natural or legal guardian, committee, conservator, or curator of the claimant, or, if there is no such guardian, committee, conservator, or curator, then the Commission may, in its discretion, make payment to any other person, including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate for the use and benefit of such claimant or estate; and if such person is a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(f) Application of sections 1701 to 1706 and 1711 to 1717 of Title 42; factors for determining benefits; effective date.

(1) Except as otherwise provided in this subsection, the provisions of titles I and II of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended [sections 1701 to 1706 and 1711 to 1717 of Title 42], are extended and shall apply with respect to the injury, disability, or death resulting from injury of a civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government, to the same extent as if such civilian American citizen were an employee within the purview of such Act of December 2, 1942, as amended [sections 1701 to 1706 and 1711 to 1717 of Title 42].

(2) For the purpose of determining the benefits extended and made applicable by paragraph (1)—

(A) the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been $37.50;

(B) the provisions of such Act [sections 1701 to 1706 and 1711 to 1717 of Title 42] shall be applicable whether or not any such civilian American citizen was employed;

(C) notice of injury or death shall not be required; and limitation provisions with respect to the filing of claims for injury, disability, or death shall not begin to run until the date of enactment of this section [July 3, 1948]; and

(D) the monthly compensation in cases involving partial disability shall be determined by the percentage the degree of partial disability bears to total disability and shall not be determined with respect to the extent of loss of wage earning capacity.

(3) The following provisions of such Act of December 2, 1942, as amended [sections 1701 to 1706 and 1711 to 1717 of Title 42], shall not apply in the case of such civilian American citizens: The last sentence of section 101 (a), section 101 (b), section 101 (d), section 104, and section 105 [sections 1701 (a), (b), (d), 1704, and 1705 of this Appendix].

(4) Rights or benefits which, under this subsection, are to be determined with reference to other provisions of law shall be determined with reference to such provisions of law as in force on January 3, 1948.

(5) The money benefit for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(6) The benefit of a minor or of an incompetent person who has no natural or legal guardian may, in

the discretion of the Secretary of Labor, be paid, in whole or in such part as he may determine for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting, or having custody of such minor or incompetent.

(7) No person, except a widow or a child, shall be entitled to benefits for disability with respect to himself, and to death benefits on account of the death of another.

(8) If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer, in the form of wages, or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this section shall be diminished by the amount of such payments in the following manner: (A) Benefits on account of injury or disability shall be reduced by the amount of payments to the injured person on account of the same injury or disability; and (B) benefits on account of death shall be reduced by the amount of payments to the dependents of the deceased civilian American citizen on account of the same death.

(9) This subsection shall take effect as of December 7, 1941, and the right of individuals to benefits shall be held to have begun to accrue as though this subsection had been in effect as of such date.

(10) No benefits provided by this subsection for injury, disability, or death shall accrue to any person who, without regard to this subsection, is entitled to or has received benefits for the same injury, disability, or death under such Act of December 2, 1942, as amended [sections 1701 to 1706 and 1711 to 1717 of Title 42].

(11) No benefits provided by this subsection shall accrue to any person to whom benefits have been paid, or are payable, under the Federal Employees' Compensation Act [chapter 81 of Title 5], or any extension thereof, by reason of disability or death of an employee of the United States suffered after capture, detention, or other restraint by an enemy of the United States, when such disability or death is deemed, in the administration of the Federal Employees' Compensation Act [chapter 81 of Title 5], to have resulted from injury occurring while in the performance of duty, under subsection (b) of section 5 of the Act entitled "An Act to amend the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, as amended [now covered by section 8102 of Title 5].

(g) Benefits for civilian internees in Korea, and dependents; time.

(1) As used in this subsection, the term "civilian American citizens" means any person who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, or who went into hiding in Korea in order to avoid capture or internment by any such hostile force; except (A) a person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (B) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to June 25, 1950, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by any such hostile force.

(3) The detention benefit allowed to any person under the provisions of paragraph (2) of this subsection shall be at the rate of $60 for each calendar month during which such person was at least eighteen years of age and at the rate of $25 per month for each calendar month during which such person was less than eighteen years of age.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid by the Secretary of the Treasury to the person entitled thereto, except that where any person entitled to payment under this subsection is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) August 21, 1954;

(B) The date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) The date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(7) (A) There are authorized to be appropriated such amounts as may be necessary to carry out the

purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(h) Benefits for Guamanians killed or captured at Wake Island on or after December 7, 1941.

In the case of any Guamanian killed or captured by the Imperial Japanese Government on or after December 7, 1941, at Wake Island, benefits shall be granted under subsections (a) through (f) of this section in the same manner and to the same extent as apply in the case of civilian American citizens so killed or captured. (Claims for benefits under subsections (a) through (e) of this section must be filed within six months after the date of enactment of this subsection [Aug. 31, 1962], and the time limitation applicable to any individual by subsection (f) shall not begin to run until the date of enactment of this subsection [Aug. 31, 1962], with respect to any individual who is entitled to such benefits solely by reason of this subsection. The preceding sentence shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this subsection [Aug. 31, 1962].

(i) Detention benefits for civilian internees in Southeast Asia; definitions; authority of Commission; claim for benefits; rate of compensation; persons entitled to payments; certification for payment; filing date; determination of claims; appropriations.

(1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia, in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commisison is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of $60 for each calendar month.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

(A) the widow or husband if there is no child or children of the deceased;

(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim field under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses. (July 3, 1948, ch. 826 § 5, 62 Stat. 1242; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Apr. 9, 1952, ch. 168, § 1, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 1, 68 Stat. 759; Aug. 31, 1954, ch. 1162, title I, §§ 101(a-6), 102(a), 68 Stat. 1033; Aug. 31, 1962, Pub. L. 87-617, 76 Stat. 413; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107; June 24, 1970, Pub. L. 91-289, § 3, 84 Stat. 324.)

REFERENCES IN TEXT

Date of enactment of this subsection, referred to in subsec. (i)(6)(A), was June 24, 1970, the date on which Pub. L. 91-289, enacting such provision, became law.

AMENDMENTS

1970—Subsec. (e). Pub. L. 91-289, § 3(1), included reference to subsec. (i) in the parenthetical phrase.

Subsec. (i). Pub. L. 91-289, § 3(2), added subsec. (i).

1962—Subsec. (e). Pub. L. 87-846 substituted "title" for "Act."

Subsec. (h). Pub. L. 87-617 added subsec. (h).

1954—Subsec. (a). Act Aug. 31, 1954, § 101(a), included as eligible for detention benefits, civilian American citizens who were captured at certain Pacific islands by the Japanese, but who were formerly expressly excluded from these benefits by reason of being Federal employees or employees of contractors with the United States, and to

make them eligible for disability compensation. Act Aug. 21, 1954, § 1(b), limited the application of such section's definition of "civilian American citizen" to subsecs. (b) and (f) of this section.

Subsec. (d). Act Aug. 31, 1954, § 102 (a), (b), struck out word "dependent" wherever appearing, and added clause (4).

Subsec. (e). Act Aug. 21, 1954, § 1(c), near the beginning of such subsection, inserted "(except under subsection (g))" after "under this section".

Subsec. (f)(3). Act Aug. 31, 1954, § 101(b), provided that last sentence of section 101(a) [1701(a) of this Appendix] and section 101(d) [1701(d) of this Appendix] should not operate to exclude civilian American citizens from entitlement to medical care or disability compensation.

Subsecs. (f) (10), (11). Act Aug. 31, 1954, § 101(c), added subsecs. (b) (10), (11).

Subsec. (g). Act Aug. 21, 1954, § 1(a), added subsec. (g).

1952—Subsec. (e). Act Apr. 9, 1952, allowed the award for the benefit of claimant to be paid to the claimant's natural or legal guardian, committee, conservator, or curator, or to such other person as is charged with the care of the claimant, and permitted the payment of an award payable to a minor, directly to such minor.

SHORT TITLE

Section 1 of act Aug. 31, 1954, provided that act Aug. 31, 1954, which in enacting amendments to sections 2004, 2005, and 2012, of this Appendix, adding sections 2014—2016 of this Appendix, enacting notes under sections 2004 and 2008 of this Appendix, and amending section 801(b) of former Title 5, should be popularly known as the "War Claims Act Amendments of 1954."

TRANSFER OF FUNCTIONS

The Bureau of Employees' Compensation, which performed the functions required of the Federal Security Administrator under this section as originally enacted, was transferred, with its functions, to the Department of Labor by 1950 Reorg. Plan No. 19, set out in the Appendix to Title 5, Government Organization and Employees. The Plan transferred the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, to the Secretary of Labor, and provided that all of such transferred functions shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See also, section 2001 of this Appendix and notes thereunder.

FILING DATE FOR CLAIMS OF NEW CLASS OF BENEFICIARIES; TOLLING OF LIMITATIONS

Section 101 (e) of act Aug. 31, 1954, provided as follows:

"(1) Individuals entitled to benefits under subsections (b), (c), or (d) of section 5 of the War Claims Act of 1948, as amended [subsecs. (b)—(d) of this section], solely by reason of the amendments made by this Act [Act Aug. 31, 1954], must file claim therefor within one year after the date of enactment of this Act [Aug. 31, 1954].

"(2) The time limitations applicable to the filing of claims for benefits extended and made applicable to any individual by subsection (f) of such section 5 [subsec. (f) of this section] shall not begin to run until the date of enactment of this Act [Aug. 31, 1954] with respect to any individual who is entitled to such benefits solely by reason of the amendments made by this Act [Act Aug. 31, 1954]. This paragraph shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this Act [Aug. 31, 1954]."

Section 102 (c) of act Aug. 31, 1954, provided that: "Individuals entitled to benefits solely by reason of the amendments made by this section must file claim therefor within one year after the date of enactment of this Act [Aug. 31, 1954]."

PRIOR BENEFITS AS AFFECTING RIGHTS

Section 102 (b) of act Aug. 31, 1954, provided that the amendments to sections 2004 (d) and 2005 (c), (d) (4) of this Appendix by section 102 of act Aug. 31, 1954, should not apply with respect to benefits paid prior to Aug. 31, 1954.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2005, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2005. Prisoners of War.

(a) Definition.

As used in subsection (b) of this section, the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(b) Payment of claims; rate allowed; certification of claims.

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of $1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(c) Persons entitled to payments.

Claims pursuant to subsection (b) of this section shall be paid to the person entitled thereto, and shall in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband; and

(4) Parents (in equal shares) if there is no widow, husband, or child.

(d) Additional definition of "prisoner of war"; payment of claims; rate allowed; persons entitled to payments.

(1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval

forces of the United States, who was held a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(2) The Commission is authorized to receive, adjudicate according to law, and to provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the violations by the enemy government by which he was held as a prisoner of war, or its agents, of such government's obligations under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the enemy government by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, violation by such enemy government, or its agents, of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57, of the Geneva Convention of July 27, 1929.

(3) Compensation shall be allowed to any prisoner of war under this subsection at the rate of $1.50 per day for each day he was held as a prisoner of war on which he alleges and proves in a manner acceptable to the Commission—

(A) the violation by such enemy government or its agents of the provisions of title III, section III, of the Geneva Convention of July 27, 1929; or

(B) any inhumane treatment as defined herein.

Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix]. In no event shall the compensation allowed to any prisoner of war under this subsection exceed the sum of $1.50 with respect to any one day.

(4) Claims pursuant to subsection (d) (2) of this section shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall, in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents (in equal shares) if there is no widow, husband, or child.

(e) Extension to Korean War prisoners.

(1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by paragraph (4) of subsection (d) of this section.

(5) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) August 21, 1954;

(B) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

(D) In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) (A) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(f) Vietnam conflict; definitions; authority of Commission; classes of claims; rate of compensation; certification for payment; persons entitled to payments; filing date; determination of claims; fund for payment; appropriations.

(1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to collaborated with, or in any manner served, such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $2 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $3 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $3 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(g) Manner of payment.

Where any person entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5 [section 2004 (e) of this Appendix]. (July 3, 1948, ch. 826, § 6, 62 Stat. 1244; Sept. 30, 1950, ch. 1116, 64 Stat. 1090; Apr. 9, 1952, ch. 167, § 1, 66 Stat. 47; Apr. 9, 1952, ch. 168, § 2, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 2, 68 Stat. 761; Aug. 31, 1954, ch. 1162, title I, § 102(a)(1), 68 Stat. 1034; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107; June 24, 1970, Pub. L. 91-289, §§ 1, 2, 84 Stat. 323.)

REFERENCES IN TEXT

Date of enactment of this subparagraph and date of enactment of this subsection, referred to in subsecs. (e)(5)(D) and (f)(5)(A), June 24, 1970, the date on which Pub. L. 91-289 enacting such provisions, became law.

AMENDMENTS

1970—Subsec. (e)(1). Pub. L. 91-289, § 2(1), defined "prisoner of war" to include any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by Government of North Korea for any period of time ending on or before December 23, 1968, and substituted "except any person" for "except any such member".

Subsec. (e)(5)(D). Pub. L. 91-289, § 2(2), added subpar. (D).

Subsec. (f). Pub. L. 91-289, § 1(2), added subsec. (f).

Subsec. (g). Pub. L. 91-289, § 1(1), redesignated former subsec. (f) as (g).

1962—Pub. L. 87-846 substituted "title" for "Act."

1954—Subsec. (c) and (d)(4). Act Aug. 31, 1954, § 102(a), struck out word "dependent" wherever appearing.

Subsec. (e). Act Aug. 21, 1954, § 2(b), added subsec. (e).

Subsec. (f). Act Apr. 9, 1952, added subsec. as a second subsec. (d) which was redesignated "(f)" by act Aug. 21, 1954, § 2(a).

1952—Subsec. (a). Act Apr. 9, 1952, ch. 167, inserted after the words "As used in" the words "subsection (b) of".

Subsec. (c). Act Apr. 9, 1952, ch. 168, struck out "or to his legal or natural guardian if he has one" following "person entitled thereto".

Subsec. (d). Act Apr. 9, 1952, ch. 167, added subsec. (d). Another subsec. (d), which was added by act Apr. 9, 1952, ch. 168, was redesignated "(f)". See 1954 Amendment note above.

1950—Subsec. (c)(4). Act Sept. 30, 1950, removed the requirement of dependency upon which parents were entitled to benefits.

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See also, section 2001 of this Appendix and notes thereunder.

FILING DATE FOR CLAIMS OF NEW CLASS OF BENEFICIARIES

Section 102 (c) of act Aug. 31, 1954, provided that: "Individuals entitled to benefits solely by reason of the amendments made by this section must file claim therefor within one year after the date of enactment of this Act [Aug. 31, 1954]."

PRIOR BENEFITS AS AFFECTING RIGHTS

Section 102 (b) of act Aug. 31, 1954, provided that the amendments to sections 2004 (d) and 2005 (c), (d) (4) of this Appendix by section 102 of act Aug. 31, 1954, should not apply with respect to benefits paid prior to Aug. 31, 1954.

TIME FOR FILING CLAIMS

Section 3 of act Apr. 9, 1952, ch. 167, as amended by act May 13, 1954, ch. 202, § 1, 68 Stat. 97, provided that: "claims for compensation under subsection (d) of section 6 of the War Claims Act of 1948, as amended [subsection (d) of this section], must be filed on or before August 1, 1954."

Sections 2 and 3 of act May 13, 1954, cited in the preceding paragraph of this note, provided:

"Sec. 2. The amendment made by this Act [which amended section 3 of act Apr. 9, 1952, ch. 167, by extending the time for filing claims from one year after April 9, 1952 to August 1, 1954] shall not be construed to extend the life of the War Claims Commission for any period of time.

"Sec. 3. The amendment made by this Act shall take effect as of April 9, 1953."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2014, 2016, 2017n of this Appendix.

§ 2006. Religious organizations.

(a) Reimbursement for services furnished members of armed services and American civilians; certification of claims.

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any religious organization functioning in the Philippine Islands and affiliated with a religious organization in the United States, or by the personnel of any such Philippine organization, for reimbursement of expenditures incurred, or for payment of the fair value of supplies used, by such organization or such personnel for the purpose of furnishing shelter, food, clothing, hospitalization, medicines and medical services, and other relief in the Philippines to members of the armed forces of the United States or to civilian American citizens (as defined in section 5 [section 2004 of this Appendix]) at any time subsequent to December 6, 1941, and before August 15, 1945. Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(b) Compensation for loss or damage to real property used in educational, medical, or welfare work.

Any such religious organization or its personnel functioning in the Philippines and affiliated with a religious organization in the United States, which furnished relief in the Philippines to members of the Armed Forces of the United States or to civilian American citizens in accordance with the provisions of subsection (a) of this section shall be compensated from the War Claims Fund, as hereinafter provided, for the loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work.

(c) Compensation to replace facilities.

Any such affiliated organization furnishing relief which possessed any interest in, and whose personnel

of American citizens substantially composed the administrative staff of, any hospital whose prewar facilities and capacity have not been restored shall be compensated in an amount sufficient to enable such organization to replace the hospital's facilities and capacity equal to that which existed at the time of the outbreak of the war, irrespective of what disposition was made subsequently of the land, buildings, and contents.

(d) Determination of claims.

Claims filed pursuant to subsection (b) of this section shall be determined and paid upon the basis of postwar cost of replacement which shall be ascertained by the War Claims Commission. In making such determinations the Commission shall utilize but not be limited to the factual information and evidence contained in the records of the Philippine War Damage Commission; the technical advice of experts in the field; the substantiating evidence submitted by the claimants; and any other technical and legal means by which fair and equitable postwar replacement costs shall be determined.

(e) Investigation; determination of replacement costs; basis used.

The Commission is authorized and directed to proceed at once with the necessary investigation, study, and establishment of procedures in order to determine the replacement costs of the claims to be filed under subsections (b) and (c) of this section, using as a basis for beginning such investigation and study the evidence contained in the claims of those religious organizations or their personnel which have already filed and are eligible to be paid under the terms of subsection (a) of this section.

(f) Filing of claims; adjudication; place and use of payments.

All claims under subsections (b) and (c) of this section must be filed on or before October 1, 1952; and not later than March 31, 1953, the Commission shall adjudicate according to law and provide for the payment of any claim filed pursuant to this section. In any case in which any money is payable as a result of subsections (b) and (c) of this section to a religious organization or its personnel functioning in the Philippines, such money shall be paid upon request of such organization to its affiliate in the United States: *Provided*, That all money thus paid to such affiliated religious organization in the United States shall be used by such affiliate for the purpose of restoring the educational, medical, and welfare facilities described in subsections (b) and (c) of this section and located in the Philippines.

(g) Claims of internees and prisoners of war unaffected.

The Commission shall expedite the payments under this section without reducing payment of claims of American civilian internees and prisoners of war filed before March 31, 1953, pursuant to the provisions of sections 5 and 6 of this title [sections 2004 and 2005 of this Appendix].

(h) Denominational organizations.

(1) Any religious organization functioning in the Philippines and of the same denomination as a religious organization functioning in the United States which furnished relief (as described, and during the period designated, in subsection (a) of this section) in the Philippines to members of the Armed Forces of the United States or to civilian American citizens shall be compensated from the War Claims Fund (A) for expenditures incurred, or for payment of the fair value of supplies used by such organization, for the purpose of furnishing such relief and (B) for loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work. No payments shall be made to any organization under this subsection if such organization has received an award under subsection (a) or (b) of this section, and no payments shall be made to any organization pursuant to clause (B) of this paragraph unless such organization has received an award for war damages from the Philippine War Damage Commission under the provisions of the Philippine Rehabilitation Act of 1946, as amended.

(2) The Commission is authorized to receive, determine according to law, and provide for the payment of claims filed under this subsection. Each claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund. All payments under this subsection shall be made to an organization or individual in the United States designated by the claimant, and, in the case of claims under clause (B) of paragraph (1) of this subsection such payments shall be used for the purpose of restoring the educational, medical, and welfare facilities described in such clause.

(3) Claims for benefits under this subsection must be filed within six months after the date of enactment of this subsection [Aug. 6, 1956]. The Commission shall complete its determination with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(4) Claims filed pursuant to clause (B) of paragraph (1) of this subsection shall be determined and paid upon the basis of postwar cost of replacement for the twelve-month period ending October 1, 1952, as ascertained by the Commission. (July 3, 1948, ch. 826, § 7, 62 Stat. 1245; Apr. 9, 1952, ch. 167, § 2, 66 Stat. 48; Aug. 6, 1956, ch. 985, 70 Stat. 1063; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

REFERENCES IN TEXT

The Philippine Rehabilitation Act of 1946, as amended, referred to in subsec. (h) (1), terminated Apr. 30, 1951, under the provisions of former section 1751 (d) of this Appendix.

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

1956—Subsec. (h). Act Aug. 6, 1956, added subsec. (h).

1952—Subsec. (a). Subsec. constituted the entire section prior to amendment by act Apr. 9, 1952.

Subsecs. (b)—(g). Act Apr. 9, 1952, added subsecs. (b)—(g).

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement

Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also section 2001 of this title and notes thereunder.

TERMINATION OF PHILIPPINE WAR DAMAGE COMMISSION

The Philippine War Damage Commission established by former section 1751 of this Appendix terminated under the provisions of subsec. (d) of section 1751 which provided for the winding up of the Commission's affairs not later than two years after expiration of time for filing claims under former sections 1751—1763 of this Appendix if possible but in no event later than Apr. 30, 1951.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2007. Commission's report on personal injury and property claims to President; findings; recommendations; public property; legislative effect.

(a) The Commission shall inquire into and report to the President, for submission of such report to the Congress on or before March 31, 1950, with respect to war claims arising out of World War II, other than claims which may be received and adjudicated under the preceding sections of this Act [sections 2001 to 2006 of this Appendix], and shall present in such report its findings on—

(1) the estimated number and amount of such claims, classified by types and categories; and

(2) the extent to which such claims have been or may be satisfied under international agreements or domestic or foreign laws.

(b) The report of the Commission shall contain recommendations with respect to—

(1) categories and types of claims, if any, which should be received and considered and the legal and equitable bases therefor;

(2) the administrative method by which such claims should be considered, and any priorities or limitations which should be applicable; and

(3) any limitations which should be applied to the allowance and payment of fees in connection with such claims.

(c) The Commission shall include in such report—

(1) such other recommendations as it deems appropriate; and

(2) such proposals for legislation as it deems appropriate for carrying out the recommendations made in such report.

(d) Such report, with accompanying evidence, shall be printed as a public document when received by the Congress.

(e) Nothing in this section shall be deemed to imply that the Congress will enact legislation—

(1) adopting any recommendations made under this section with respect to the consideration or payment of any type of claim; or

(2) making any moneys, including moneys remaining in the war claims fund after the making of payments from such fund provided for by this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix], available for the payment of such claims.

(July 3, 1948, ch. 826, § 8, 62 Stat. 1245; May 27, 1949, ch. 145, § 1(2), 63 Stat. 112; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

1949—Subsec. (a). Act May 27, 1949, extended until March 31, 1950, the time within which the Commission is required to file its reports and recommendations.

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2008. Reports to Congress.

Not later than six months after its organization, and every six months thereafter, the Commission shall make a report to the Congress concerning its operations under this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix]. (July 3, 1948, ch. 826, § 9, 62 Stat. 1246; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89-348, § 2(6), Nov. 8, 1965, 79 Stat. 1312, modified the provisions of this section, beginning Jan. 1, 1967, to require annual instead of semiannual submission to Congress by the Foreign Claims Settlement Commission of the report concerning its operations under the War Claims Act of 1948.

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

MALNUTRITION STUDY; DEFINITIONS; REPORT TO CONGRESS

Act Aug. 31, 1954, ch. 1162, title II, §§ 201—203, 68 Stat. 1037, defined terms "prisoner of war" and "civilian American citizen" and required Secretary of Health, Education, and Welfare to conduct malnutrition study and report results thereof, not later than Aug. 31, 1955, to the President for transmittal to the Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2009. Fee limitation for representing claimants; penalties.

No remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim filed with the administering agency under this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix] shall exceed 10 per centum (or such lesser per centum as may be fixed by the administering agency with respect to any class of claims) of the amount allowed by the administering agency on account of such claim. Any agreement to the contrary shall be unlawful and void.

Whoever, in the United States or elsewhere, pays or offers to pay, or promises, to pay, or receives, on account of services rendered or to be rendered in connection with any such claim, any remuneration in excess of the maximum permitted by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both, and, if any such payment shall have been made or granted, the administering agency shall take such action as may be necessary to recover the same, and, in addition thereto any such claimant shall forfeit all rights under this title [said sections]. (July 3, 1948, ch. 826, § 10, 62 Stat. 1246; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2010. Hearings on claims; finality of decision.

The Commission shall notify all claimants of the approval or denial of their claims, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or is approved for less than the full allowable amount of such claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representatives with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix] shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action. (July 3, 1948, ch. 826, § 11, 62 Stat. 1246; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2011. Amendment to Trading With the Enemy Act.

CODIFICATION

Section, act July 3, 1948, ch. 826, § 12, 62 Stat. 1246, was omitted as its provisions are incorporated in section 39 of this Appendix.

§ 2012. War Claims Fund.

(a) Composition; expenditure.

There is created on the books of the Treasury of the United States a trust fund to be known as the War Claims Fund. The War Claims Fund shall consist of all sums covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended [section 39 of this Appendix]. The moneys in such fund shall be available for expenditure only as provided in this Act [sections 2001 to 2012 and 2013 to 2017p of this Appendix] or as may be provided hereafter by the Congress.

(b) Estimation and certification to Treasury of total amount necessary under section 2004 (f).

Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all benefits payable by reason of section 5 (f) of this title [section 2004 (f) of this Appendix]. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve he shall determine such amount, and the amount so determined shall be certified to the Secretary of the Treasury. Such certification shall be made on or before September 1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection.

(c) Estimation and certification to Treasury of total amount necessary under section 2003 (c).

Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all additional benefits payable as a result of the enactment of section 4 (c) of this title [section 2003 (c) of this Appendix]. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve, he shall determine such amount, and the amount so determined shall be certified to the Secretary of the Treasury. Such certification shall be made on or before September 1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection.

(d) Certification to Treasury of total canceled obligations under section 2003 (b) (1).

On or before August 1, 1956, the Secretary of State is authorized and directed to certify to the Secretary of the Treasury the total amount of all obligations canceled pursuant to the provisions of section 4 (b)

(1) of this title [section 2003(b)(1) of this Appendix]. The Secretary of the Treasury shall transfer from the war claims fund to the general fund of the Treasury an amount equal to the total amount so certified.

(e) Appropriations for Commission's work.

There are authorized to be appropriated, out of any money in the war claims fund, such sums as may be necessary to enable the Commission to carry out its functions under this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix]. (July 3, 1948, ch. 826, § 13, 62 Stat. 1247; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Aug. 31, 1954, ch. 1162, title I, § 104, 68 Stat. 1036; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Subsecs. (b)—(e). Pub. L. 87-846 substituted "title" for "Act."

1954—Subsec. (b). Act Aug. 31, 1954, § 104(a), provided that the President may approve or disapprove of the Secretary of Labor's estimate, and if he disapproves he shall estimate the total amount of claims under section 2004 (f) of this Appendix, and provided that all transfers which are to be made from the War Claims Fund to the Treasury general fund shall be made before Aug. 1, 1956.

Subsec. (c). Act Aug. 31, 1954, § 104 (a), provided that the President may approve or disapprove the Secretary of Labor's estimate, and if he disapproves he shall estimate the total amount of claims under section 2003 (c) of this Appendix, and provided that all transfers which are to be made from the War Claims Fund to the Treasury general fund shall be made before Aug. 1, 1956.

Subsec. (d). Act Aug. 31, 1954, § 104 (b), inserted "on or before August 1, 1956" preceding "Secretary of State".

TRANSFER OF FUNCTIONS

The Bureau of Employees' Compensation, which performed the functions required of the Federal Security Administrator under this section as originally enacted, was transferred, with its functions, to the Department of Labor by 1950 Reorg. Plan No. 19, set out in the Appendix to Title 5, Government Organization and Employees. The Plan transferred the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, to the Secretary of Labor, and provide that all of such transferred functions shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2012a, 2013, 2014, 2015, 2017n of this Appendix and in title 22 section 1641c.

§ 2012a. Same; limitation on funds used for claim payment.

Unless otherwise authorized by law no claims shall be allowed or paid under the provisions of the War Claims Act of 1948 [sections 2001 to 2012, 2013 to 2016, 2017 to 2017p of this Appendix] from any funds other than those covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended [section 39 of this Appendix], as provided by section 13 (a) of said War Claims Act of 1948 [section 2012(a) of this appendix]. (June 29, 1955, ch. 226, title I, § 101, 69 Stat. 195.)

CODIFICATION

Section is from the "General Government Matters Appropriation Act, 1956" and is not a part of the War Claims Act of 1948, which comprises sections 2001—2012 and 2013—2017p of this Appendix. Section was not repeated in the General Government Matters Appropriation Act, 1957, act June 13, 1956, ch. 385, 70 Stat. 276.

SIMILAR PROVISIONS

Similar provisions were contained in prior appropriation acts:

1954—June 24, 1954, ch. 359, title I, § 101, 68 Stat. 293.
1953—July 31, 1953, ch. 302, title I, § 101, 67 Stat. 312.
1952—July 5, 1952, ch. 578, title I, § 101, 66 Stat. 410.
1951—Aug. 31, 1951, ch. 376, title I, § 101, 65 Stat. 282.
1950—Sept. 6, 1950, ch. 896, ch. VIII, title I, § 101, 64 Stat. 720.

§ 2013. Payments to certain members of religious orders.

In any case in which any money is payable as a result of the enactment of this title [sections 2001 to 2012 and 2013 to 2016 of this Appendix] to any person who is prevented from accepting such money by the rules, regulations, or customs of the church or the religious order or organization of which he is a member, such money shall be paid, upon the request of such person, to such church or to such religious order or organization. (July 3, 1948, ch. 826, § 14, 62 Stat. 1247; Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

ABOLISHMENT AND SUCCESSION OF COMMISSION

The War Claims Commission, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by 1954 Reorg. Plan No. 1, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2017n of this Appendix.

§ 2014. United States citizens serving in allied forces.

(a) Rights to compensation.

The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim for compensation filed by or on behalf of any individual who, being then an American citizen, served in the military or naval forces of any government allied with the United States during World War II who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which such allied government has been at war subsequent to such date. Compensation shall be payable under this section in accordance with the standards established by, and at the rates prescribed in, subsection (b) of section 6 of this title [section 2005 (b) of this Appendix], and paragraphs (2) and (3) of subsection (d) of such section 6 [section 2005 (d) (2), (3) of this Appendix].

(b) Deductions.

The amount payable under this section shall be reduced by such sum as the individual entitled to compensation under this section has received or is entitled to receive from any government by reason of the same detention.

(c) Payments on death.

In the event of death of the individual entitled to compensation under this section, payment may be made to the persons specified in paragraph (4) of subsection (d) of section 6 of this title [section 2005 (d) (4) of this Appendix].

(d) Filing date for claims.

Claims for benefits under this section must be filed within one year after the date of enactment of this section [Aug. 31, 1954].

(e) Certification of claim for payment.

Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix]. (July 3, 1948, ch. 826, § 15, as added Aug. 31, 1954, ch. 1162, title I, § 103, 68 Stat. 1034, and amended Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2015. Detention benefits to merchant seamen.

(a) Definition.

As used in this section, the term "merchant seaman" means any individual who was employed as a seaman or crew member on any vessel registered under the laws of the United States, or under the laws of any government friendly to the United States during World War II, and who was a citizen of the United States on and after December 7, 1941, to the date of his death or the date of filing claim under this section; except any such individual who is entitled to, or who has received, benefits under section 5 of this title [section 2004 of this Appendix] as a "civilian American citizen."

(b) Determination of claim; rate of payment.

The Commission is authorized to receive and determine, according to law, the amount and validity, and provide for the payment of any claim for detention benefits filed by or on behalf of any merchant seaman who, being then a merchant seaman, was captured or interned or held by the Government of Germany or the Imperial Japanese Government, its agent or instrumentalities in World War II for any period of time subsequent to December 7, 1941, during which he was held by either such government as a prisoner, internee, hostage, or in any other capacity. Detention benefits shall be paid under this section at the rates prescribed and in the manner provided in subsections (c) and (d) of section 5 of this title [section 2004 (c), (d) of this Appendix].

(c) Collaborationists excluded.

Payment of any claim filed under this section shall not be made to any merchant seaman, or to any survivor or survivors thereof, who, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

(d) Time of filing claim.

Claims for benefits under this section must be filed within one year after the date of enactment of this section [Aug. 31, 1954].

(e) Certification of claim for payment.

Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix]. (July 3, 1948, ch. 826, § 16, as added Aug. 31, 1954, ch. 1162, title I, § 103, 68 Stat. 1034, and amended Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

§ 2016. Philippines.

(a) Losses by individual from sequestered credits; loss by banks or other financial institutions.

(1) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by—

(A) any individual who—

(i) on or after December 7, 1941, was a member of the military or naval forces of the United States;

(ii) is the survivor of any deceased individual described in subparagraph (i);

(iii) was a national of the United States on December 7, 1941, and is a national of the United States on the date of enactment of this section [Aug. 31, 1954]; or

(iv) is the survivor of any deceased individual who was a national of the United States on December 7, 1941, and would be a national of the United States on the date of enactment of this section [Aug. 31, 1954] if living; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of enactment of this section [Aug. 31, 1954], in individuals referred to in subparagraph (A) of this paragraph;

for losses arising as a result of the sequestration of accounts, deposits, or other credits of such individual or legal entity in the Philippines by the Imperial Japanese Government.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any bank or other financial institution doing business in the Philippines which reestablished sequestered accounts, deposits, or other credits of—

(A) any individual referred to in subparagraph (A) of paragraph (1) of this subsection; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of reestablishment of such sequestered credits, in individuals referred to in such subparagraph (A);

for reimbursement of the amounts of such sequestered credits paid by such bank or financial institution.

(b) Filing date for claims.

Claims must be filed under this section within one year after the date of enactment of this section [Aug. 31, 1954].

(c) Death or legal disability as affecting payments.

Where any individual entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5 of this title [section 2004 (e) of this Appendix]. In the case of the death of any individual entitled to payment of any claim under this section, payment of such claim shall be made to the individuals specified, and in the order provided, in subsection (d) of section 6 of this title [section 2005 (d) of this Appendix]; except that no payment shall be made under this section to any individual who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

(d) Certification of claims for payment.

Each claim allowed under this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established under section 13 of this title [section 2012 of this Appendix]. The Secretary of the Treasury shall pay such claims as follows:

(1) In the case of each claim allowed in an amount equal to or less than $500, such claim shall be paid in full; and

(2) In the case of each claim allowed in an amount greater than $500, such claim shall be paid in two installments. The first installment shall be paid in an amount equal to $500 plus 66⅔ per centum of the amount of such claim allowed in excess of $500. The last installment shall be computed as of September 1, 1956, under the next sentence of this paragraph, and, as so computed, shall be paid from the sums remaining in the War Claims Fund on that date. If the sums remaining in the War Claims Fund on September 1, 1956, are sufficient to satisfy all claims allowed under this section and not paid in full, the unpaid portion of each such claim shall be paid in full; if the sums remaining in the War Claims Fund on September 1, 1956, are not sufficient to satisfy all claims allowed under this section and not paid in full, the last installment payable on each such claim shall be reduced ratably, and, as so reduced, shall be paid from the War Claims Fund.

(July 3, 1948, ch. 826, § 17, as added Aug. 31, 1954, ch. 1162, title I, § 103, 68 Stat. 1035, and amended Oct. 22, 1962, Pub. L. 87-846, title I, § 102, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2007, 2008, 2009, 2010, 2012, 2012a, 2013, 2017n of this Appendix.

TITLE II

§ 2017. Definitions.

As used in this title [sections 2017 to 2017p of this Appendix] the term or terms—

(a) "Albania", "Austria", "Czechoslovakia", "the Free Territory of Danzig", "Estonia", "Germany," "Greece", "Latvia", "Lithuania", "Poland", and "Yugoslavia", when used in their respective geographical senses, mean the territorial limits of each such country or free territory, as the case may be, in continental Europe as such limits existed on December 1, 1937.

(b) "Commission" means the Foreign Claims Settlement Commission of the United States established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279) [set out in the Appendix to Title 5].

(c) "National of the United States" means (1) a natural person who is a citizen of the United States, (2) a natural person who, though not a citizen of the United States, owes permanent allegiance to the United States, and (3) a corporation, partnership, unincorporated body, or other entity, organized under the laws of the United States, or of any State, the Commonwealth of Puerto Rico, the District of Columbia, or any possession of the United States and in which more than 50 per centum of the outstanding capital stock or other proprietary or similar interest is owned, directly or indirectly, by persons referred to in clauses (1) and (2) of this subsection. It does not include aliens.

(d) "Property" means real property and such items of tangible personalty as can be identified and evaluated.

(July 3, 1948, ch. 826, title II, § 201, as added Oct. 22, 1962, Pub. L. 87-846, title I, § 103, 76 Stat. 1107.)

REFERENCES IN TEXT

Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279), referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

SEPARABILITY OF PROVISIONS

Section 301 of Pub. L. 87-846 provided that: "If any provision of this Act [enacting sections 41, 42, 2017—2017p, amending sections 9, 32, 33, 39, 2001, 2003—2010, 2012, 2013—2016, and exacting provisions set out as a note under section 2001 of this Appendix], or the application thereof to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provisions to other persons or circumstances, shall not be affected."

TITLE II OF ACT

Section 103 of Pub. L. 87-846 added sections 201—217 of act July 3, 1948, as amended [sections 2017—2017p of this Appendix] as title II.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017a to 2017p of this Appendix.

§ 2017a. Claims authorized.

The Commission is directed to receive and to determine according to the provisions of this title [sections 2017 to 2017p of this Appendix] the validity

and amount of claims of nationals of the United States for—

(a) loss or destruction of, or physical damage to, property located in Albania, Austria, Czechoslovakia, the Free Territory of Danzig, Estonia, Germany, Greece, Latvia, Lithuania, Poland, or Yugoslavia, or in territory which was part of Hungary or Rumania on December 1, 1937, but which was not included in such countries on September 15, 1947, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, or which occurred in the period beginning July 1, 1937, and ending September 2, 1945, to property in territory occupied or attacked by the Imperial Japanese military forces (including territory to which Japan has renounced all right, title, and claim under article 2 of the Treaty of Peace Between the Allied Powers and Japan) except the island of Guam: *Provided,* That claims for loss, destruction, or damage occurring in the Commonwealth of the Philippines shall not be allowed except on behalf of nationals of the United States who have received no payment, and certify under oath or affirmation that they have received no payment, on account of the same loss, destruction, or damage under the Philippine Rehabilitation Act of 1946 [former sections 1751—1806 of this Appendix], whether or not claim was filed thereunder: *Provided further,* That such loss, destruction, or damage must have occurred, as a direct consequence of (1) military operations of war or (2) special measures directed against property in such countries or territories during the respective periods specified, because of the enemy or alleged enemy character of the owner, which property was owned, directly or indirectly, by a national of the United States at the time of such loss, damage or destruction;

(b) damage to, or loss or destruction of, ships or ship cargoes directly or indirectly owned by a national of the United States at the time such damage, loss, or destruction occurred, which was a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; no award shall be made under this subsection in favor of any insurer or reinsurer as assignee or otherwise as successor in interest to the right of the insured;

(c) net losses under war-risk insurance or reinsurance policies or contracts, incurred in the settlement of claims for insured losses of ships directly or indirectly owned by a national of the United States at the time of the loss, damage, or destruction of such ships and at the time of the settlement of such claims, which insured losses were a direct consequences of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; such net losses shall be determined by deducting from the aggregate of all payments made in the settlement of such insured losses the aggregate of the net amounts received by any such insurance companies on all policies of contracts of war-risk insurance or reinsurance on ships under which the insured was a national of the United States, after deducting expenses; and

(d) loss or damage on account of—

(1) the death of any person who, being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, died or was killed as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be made only to or for the benefit of the following persons in the order of priority named:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents of the deceased (in equal shares) if there is no widow, husband, or child;

(2) injury or permanent disability sustained by any person, who being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, was injured or permanently disabled as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be payable solely to the person so injured or disabled;

(3) the loss or destruction, as a result of such action, of property on such vessel, as determined by the Commission to be reasonable, useful, necessary, or proper under the circumstances, which property was owned by any civilian national of the United States who was then a passenger on such vessel; and in the case of the death of any person suffering such loss, awards under this paragraph shall be made only to or for the benefit of the persons designated in paragraph (1) of this subsection and in the order of priority named therein.

(July 3, 1948, ch. 826, title II, § 202, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1107.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017, 2017b to 2017p of this Appendix and title 22 section 1641c.

§ 2017b. Transfers and assignments.

The transfer or assignment for value of any property forming the subject matter of a claim under subsection (a) or (b) of section 202 [section 2017a of this Appendix] subsequent to its damage, loss, or destruction shall not operate to extinguish any claim of the transferor otherwise compensable under either of such subsections. If a claim which could otherwise be allowed under subsection (a) or (b) of section 202 [section 2017a of this Appendix] has been assigned for value prior to the enactment of this title [Oct. 22, 1962], the assignee shall be the party entitled to claim thereunder. (July 3, 1948, ch. 826,

title II, § 203, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1109.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017, 2017a, 2017c to 2017p of this Appendix.

§ 2017c. Nationality of claimants.

No claim shall be allowed under subsection (a), (b), or (c) of section 202 of this title [section 2017a of this Appendix] unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission pursuant to this title [sections 2017 to 2017p of this Appendix]. Where any person who lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country reacquired such citizenship before the date of enactment of this title [Oct. 22, 1962], then if such individual, but for such marriage would have been a national of the United States at all times on and after the date of such loss, damage, or destruction until the filing of the claim, such individual shall be treated for all purposes of this title [sections 2017 to 2017p of this Appendix] as having been a national of the United States at all such times. (July 3, 1948, ch. 826, title II, § 204, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1109.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017, 2017a, 2017b, 2017d to 2017p of this Appendix.

§ 2017d. Claims of stockholders.

(a) A claim under section 202 of this title [section 2017a of this Appendix] based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

(b) A claim under section 202 of this title [section 2017a of this Appendix], based upon a direct ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title [sections 2017 to 2017p of this Appendix], if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

(c) A claim under section 202 of this title [section 2017a of this Appendix], based upon an indirect ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title [sections 2017 to 2017p of this Appendix], only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

(d) Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof. (July 3, 1948, ch. 826, title II, § 205, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1109.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017, 2017a to 2017c, 2017e to 2017p of this Appendix.

§ 2017e. Deductions in making awards.

(a) In determining the amount of any award there shall be deducted all amounts the claimant has received on account of the same loss or losses with respect to which an award is made under this title [sections 2017 to 2017p of this Appendix].

(b) Each claim in excess of $10,000 filed under this title [sections 2017 to 2017p of this Appendix] by a corporation shall include a statement under oath disclosing the aggregate amount of Federal tax benefits derived by such corporation in any prior taxable year or years resulting from any deduction or deductions claimed for the loss or losses with respect to which such claim is filed. In determining the amount of any award where the allowable loss exceeds $10,000 there shall be deducted an amount equal to the aggregate amount of Federal tax benefits so derived by the claimant. For the purposes of this subsection, such Federal tax benefits shall be the aggregate of the amounts by which the claimant's taxes for such year or years under chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code of 1939, or subtitle A of the Internal Revenue Code of 1954 [sections 1 to 1552 of Title 26] were decreased with respect to such loss or losses. Any payments made on an award reduced by reason of this subsection shall be exempt from Federal income taxes. (July 3, 1948, ch. 826, title II, § 206, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1110.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017d, 2017f to 2017p of this Appendix.

§ 2017f. Consolidated awards.

With respect to any claim which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimant therein; and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this title [sections 2017 to 2017p of this Appendix] in all respects as if the award had been in favor of a single person. (July 3, 1948, ch. 826, title II, § 207, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1110.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017e, 2017g to 2017p of this Appendix.

§ 2017g. Certain awards prohibited.

No award shall be made under this title [sections 2017 to 2017p of this Appendix] to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, Title 18, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this

title [sections 2017 to 2017p of this Appendix] is within the scope of title III of the International Claims Settlement Act of 1949, as amended (69 Stat. 570) [sections 1641 to 1641q of Title 22], except any claimant whose award under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [section 1641b(1) of Title 22], is recertified pursuant to subsection (b) of section 209 of this title [section 2017h of this Appendix]. (July 3, 1948, ch. 826, title II, § 208, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1110.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017f, 2017h to 2017p of this Appendix.

§ 2017h. Certification of awards.

(a) The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, for payment out of the War Claims Fund each award made pursuant to section 202 [section 2017a of this Appendix].

(b) The Commission shall recertify to the Secretary of the Treasury, in terms of United States currency, for payment out of the War Claims Fund, awards heretofore made with respect to claims against the Government of Hungary under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [section 1641b(1) of Title 22]. Nothing contained in this subsection shall be construed as authorizing the filing of new claims against Hungary. (July 3, 1948, ch. 826, title II, § 209, as added Oct. 22, 1962, Pub. L. 87–846. title I, § 103, 76 Stat. 1111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017g, 2017i to 2017p of this Appendix.

§ 2017i. Claim filing period.

Within sixty days after the enactment of this title [Oct. 22, 1962] or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title [sections 2017 to 2017p of this Appendix], whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than eighteen months after such publication. (July 3, 1948, ch. 826, title II, § 210, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017h, 2017j to 2017p of this Appendix.

§ 2017j. Claims settlement period.

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title [sections 2017 to 2017p of this Appendix] not later than four years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title [sections 2017 to 2017p of this Appendix]. (July 3, 1948, ch. 826, title II, § 211, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017i, 2017k to 2017p of this Appendix.

§ 2017k. Notification to claimants.

Each award or denial of a claim by the Commission whether rendered before or after a hearing, shall include a specific statement of the facts and of the reasoning of the Commission in support of its conclusion. (July 3, 1948, ch. 826, title II, § 212, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017j, 2017*l* to 2017p of this Appendix.

§ 2017*l*. Payment of awards; priorities; limitations.

(a) The Secretary of the Treasury shall pay out of the War Claims Fund on account of award certified by the Commission pursuant to this title [sections 2017 to 2017p of this Appendix] as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d)(1) and (2) [section 2017a(d)(1) and (2) of this Appendix], and thereafter of any award made pursuant to section 202(a) [section 2017a(a) of this Appendix] to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended [section 631 et seq. of Title 15], or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.

(2) Thereafter, payments from time to time on account of the other awards made pursuant to section 202 [section 2017a of this Appendix] in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment made pursuant to this paragraph on account of any award shall not exceed $10,000.

(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 [section 2017a of this Appendix] and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed $35,000.

(4) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to section 202 [section 2017a of this Appendix] or recertified pursuant to subsection (b) of section 209 [section 2017h of this Appendix] which shall bear to such unpaid balance the same proportion as the total amount in the War Claims Fund and available for distribution at the time such payments are made bears to the aggregate unpaid balances of all such awards. No payment made pursuant to this paragraph on account of any award shall exceed the unpaid balance of such award. Payments heretofore made under section 310 of title III of the International Claims

Settlement Act of 1949, as amended [section 1641i of Title 22], on awards made against the Government of Hungary under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [section 1641b(1) of Title 22], and recertified under subsection (b) of section 209 [section 2017h of this Appendix], shall be considered as payments under this paragraph and no payment shall be made on any recertified award until the percentage of distribution on awards made under section 202 [section 2017a of this Appendix] exceeds the corresponding percentage of distribution on such recertified award: *Provided*, That no payment made on awards recertified under subsection (b) of section 209 [section 2017h of this Appendix] shall exceed 40 per centum of the amount of the award recertified.

(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

(c) For the purpose of making any such payments, other than under section 213(a)(1) [section 2017*l*(a)(1) of this Appendix], an "award" shall be deemed to mean the aggregate of all awards certified for payment in favor of the same claimant.

(d) If any person to whom any payment is to be made pursuant to this title [sections 2017 to 2017p of this Appendix] is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

(e) Payment on account of any award pursuant to this title [sections 2017 to 2017p of this Appendix] shall not, unless such payment is for the full amount of the award, extinguish any rights against any foreign government for the unpaid balance of the award.

(f) Payments made under this section on account of any award for loss, damage, or destruction occurring in the Commonwealth of the Philippines shall not exceed the amound paid on account of awards in the same amount under the Philippine Rehabilitation Act of 1946 [former sections 1751 to 1806 of this Appendix]. (July 3, 1948, ch. 826, title II, § 213, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1111, and amended Dec. 24, 1970, Pub. L. 91–571, § 1(a), 84 Stat. 1503.)

AMENDMENTS

1970—Subsec. (a)(1). Pub. L. 91–571, § 1(a)(1), included payment to any claimant determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.

Subsec. (a)(3). Pub. L. 91–571, § 1(a)(2), added subsec. (a)(3) and redesignated former subsec. (a)(3) as (a)(4).

Subsec. (a)(4). Pub. L. 91–571, § 1(a)(2), redesignated former subsec. (a)(3) as (a)(4).

RECERTIFICATION OF CERTAIN AWARDS

Section 1(b) of Pub. L. 91–571 provided that: "The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act [Dec. 24, 1970] pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107) [sections 2017 to 2017p of this Appendix], but which as of the date of enactment of this Act [Dec. 24, 1970] has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act [to this section] to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017k, 2017m to 2017p of this Appendix.

§ 2017m. Fees of attorneys and agents.

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title [sections 2017 to 2017p of this Appendix] shall exceed 10 per centum (or such lesser per centum as may be fixed by the Commission with respect to any class of claims) of the total amount paid pursuant to any award certified under the provisions of this title [sections 2017 to 2017p of this Appendix] on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both (July 3, 1948, ch. 826, title II, § 214, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1112.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017, 2017*l*, 2017n to 2017p of this Appendix.

§ 2017n. Application of other laws.

To the extent they are not inconsistent with the provisions of this title [sections 2017 to 2017p of this Appendix], the following provisions of title I of this Act [sections 2001 to 2012 and 2013 to 2016 of this Appendix] and title I of the International Claims Settlement Act of 1949, as amended [sections 1621 to 1627 of Title 22], shall apply to this title [sections 2017 to 2017p of this Appendix]: The first sentence of subsection (b) of section 2 [section 2001 of this Appendix], all of subsection (c) of section 2 [section 2001 of this Appendix] and section 11 [section 2010 of this Appendix] of title I of this Act, and subsections (c), ((d), (e), and (f) of section 7 of the International Claims Settlement Act of 1949, as amended [section 1626 of Title 22]. (July 3, 1848, ch. 826, title II, § 215, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1112.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017m, 2017*o*, 2017p of this Appendix.

§ 2017*o*. Transfer of records.

The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title [sections 2017 to 2017p of this Appendix] as may be required by the Commission in carrying out its functions under this title [sections 2017—2017p of this Appendix]. (July

3, 1948, ch. 826, title II, § 216, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1113.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017n, 2017p of this Appendix.

§ 2017p. Administrative expenses.

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary (but not to exceed the total covered into the Treasury to the credit of miscellaneous receipts under section 39 subsection (d) of the Trading With the Enemy Act [section 39(d) of this Appendix]) to enable the Commission and the Treasury Department to pay their administrative expenses in carrying out their respective functions under this title [sections 2017—2017p of this Appendix]. (July 3, 1948, ch. 826, title II, § 217, as added Oct. 22, 1962, Pub. L. 87–846, title I, § 103, 76 Stat. 1113.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2012a, 2017 to 2017o of this Appendix.

EXPORT CONTROLS

ACT FEB. 26, 1949, CH. 11, 63 STAT. 7

§§ 2021 to 2032. Omitted.

CODIFICATION

Sections, act Feb. 26, 1949, ch. 11, 63 Stat. 7, as amended, popularly known as the Export Control Act of 1949, expired on December 31, 1969, and have been omitted as executed. Subject matter of sections 2021–2032 is now covered by sections 2401–2413 of this Appendix.

Section 2021, acts Feb. 26, 1949, ch. 11, § 1(a, b), 63 Stat. 7, July 1, 1962, Pub. L. 87–515, § 2, 76 Stat. 127, set out Congressional findings. See section 2401 of this Appendix.

Section 2022, acts Feb. 26, 1949, ch. 11, § 2, 63 Stat. 7; July 1, 1962, Pub. L. 87–515, § 3, 76 Stat. 127; June 30, 1965, Pub. L. 89–63, § 3(a), 79 Stat. 209, set out Congressional declaration of policy. See section 2402 of this Appendix.

Section 2023, acts Feb. 26, 1949, ch. 11, § 3, 63 Stat. 7; July 1, 1962, Pub. L. 87–515, § 4, 76 Stat. 127; June 30, 1965, Pub. L. 89–63, §§ 3(b), 4(a), (d), 79 Stat. 210, set out authority to effectuate export control policy and delegated authority to prescribe rules and regulations. See section 2403 of this Appendix.

Section 2024, acts Feb. 26, 1949, ch. 11, § 4, 63 Stat. 8; June 30, 1965, Pub. L. 89–63, § 4(b), 79 Stat. 210, laid down the criteria for the establishment of standards for carrying out the policies and for consultation among the several departments and agencies. See section 2404 of this Appendix.

Section 2025, acts Feb. 26, 1949, ch. 11, § 5, 63 Stat. 8; July 1, 1962, Pub. L. 87–515, § 5, 76 Stat. 128; June 30, 1965, Pub. L. 89–63, §§ 2, 4(c), 79 Stat. 209, 210, provided for the penalties for violations of export control policy. See section 2405 of this Appendix.

Section 2026, act Feb. 26, 1949, ch. 11, § 6, 63 Stat. 8, provided for the enforcement and for keeping certain information confidential. See section 2406 of this Appendix.

Subsec. (b) of section 2026, which provided that no person would be excused from complying with any requirements under this section because of his privilege against self-incrimination, but that the immunity provisions of section 46 of Title 49 would apply with respect to any individual specifically claiming such privilege, was repealed by Pub. L. 91–452, title II, § 250, Oct. 15, 1970, 84 Stat. 931. See section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Section 2027, act Feb. 26, 1949, ch. 11, § 7, 63 Stat. 9, exempted the functions under the Act from the Administrative Procedure Act. See section 2407 of this Appendix.

Section 2028, act Feb. 26, 1949, ch. 11, § 8, 63 Stat. 9, required quarterly reports to be submitted to the President and to the Congress. See section 2409 of this Appendix.

Section 2029, act Feb. 26, 1949, ch. 11, § 9, 63 Stat. 9, defined "person". See section 2410 of this Appendix.

Section 2030, act Feb. 26, 1949, ch. 11, § 10, 63 Stat. 9, provided for the effect of the Act on other legislation. See section 2411 of this Appendix.

Section 2031, act Feb. 26, 1949, ch. 11, § 11, 63 Stat. 9, set out the effective date of sections 2021–2032 of this Appendix. See section 2412 of this Appendix.

Section 2032, acts Feb. 26, 1949, ch. 11, § 12, 63 Stat. 9; May 16, 1951, ch. 83, 65 Stat. 43; June 16, 1953, ch. 116, 67 Stat. 62; June 29, 1956, ch. 473, § 1, 70 Stat. 407; June 25, 1958, Pub. L. 85–466, 72 Stat. 220; May 13, 1960, Pub. L. 86–464, 74 Stat. 130; July 1, 1962, Pub. L. 87–515, § 1, 76 Stat. 127; June 30, 1965, Pub. L. 89–63, § 1, 79 Stat. 209, provided for the termination date of sections 2021–2032 of this Appendix. See sections 2412 and 2413 of this Appendix.

ALIEN PROPERTY DAMAGE CLAIMS

ACT MAR. 15, 1949, CH. 19, 63 STAT. 12

§§ 2041 to 2045. Omitted.

CODIFICATION

Sections, act Mar. 15, 1949, ch. 19, §§ 1—5, 63 Stat. 12, 13, empowered the Attorney General to adjust certain alien property damage claims not in excess of $1,000.00, and required claims to be presented within one year after March 15, 1949.

DEFENSE PRODUCTION ACT OF 1950

ACT SEPT. 8, 1950, CH. 932, 64 STAT. 798

Sec.
2061. Short title.
2062. Declaration of policy.

TITLE I—PRIORITIES AND ALLOCATIONS

2071. Priority in contracts and orders.
(a) Allocation of materials and facilities.
(b) Critical and strategic materials.
2072. Hoarding of designated scarce materials.
2073. Penalties.
2074. Limitation on import of fats and oils; termination date; exercise of authority.

TITLE II—AUTHORITY TO REQUISITION AND CONDEMN

2081. Requisition of property needed for national defense.

TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

2091. Loan guarantees.
(a) Purpose of loans; guaranteeing agencies.
(b) Fiscal agents; accountability; reimbursement.
(c) Supervision; interest, fees, procedures.
(d) Funds available for guarantees.
(e) Maximum obligation, prevention of personal financial insolvency or bankruptcy.
2092. Loans to private business enterprises.
2093. Purchase of raw materials and installation of equipment.
(a) Purchases for use or resale; development of strategic minerals and metals; agricultural commodities; termination date.
(b) Terms and conditions of purchase.
(c) Subsidy payments on domestically produced materials; exclusion of agricultural products.
(d) Transportation, storage, and processing.
(e) Installation of equipment in industrial facilities.
(f) Transfer of excess materials to national stockpile.
(g) Development of substitutes for strategic and critical materials.

Sec.
2094. Utilization and creation of agencies; borrowing from Treasury; revolving fund; contingent liability of United States.

TITLE IV—PRICE AND WAGE STABILIZATION

2101 to 2112. Omitted.

TITLE V—SETTLEMENT OF LABOR DISPUTES

2121 to 2123. Omitted.

TITLE VI—CONTROL OF REAL ESTATE CREDIT

2131. Repealed.
2132 to 2137. Omitted.

TITLE VII—GENERAL PROVISIONS

2151. Small business.
(a) Encouragement.
(b) Information; advisory committees; exemptions; administration.
(c) Allocation of materials in civilian market.
(d) Distribution of defense contracts.
2152. Definitions.
2153. Delegation of authority; creation of new agencies; appointment and compensation of officers and personnel; State representation in regional offices.
2154. Rules, regulations, and orders.
2155. Investigations; records; reports; subpenas; right to counsel.
2156. Jurisdiction of courts; injunctions; venue; process; effect of termination of Act.
2157. Liability for compliance with invalid regulations; discrimination against orders or contracts affected by priorities or allocations.
2158. Voluntary agreements and programs; exemptions from anti-trust laws and Federal Trade Commission Act; surveys and reports to Congress; termination.
2159. Exemption from Administrative Procedure Act; statements in rules, regulations, and orders as to consultation with industry representatives.
2160. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.
2161. Appropriations authorized; availability of funds.
2162. Joint Committee on Defense Production.
2163. Territorial application of Act.
2163a. Small Defense Plants Administration.
2164. Separability of provisions.
2165. Persons disqualified for employment; penalties.
2166. Termination of Act.
2167. Feasibility study of application of uniform cost accounting standards to defense procurement contracts; consultations; reports.
2168. Cost Accounting Standards Board.
(a) Formation; Comptroller General as chairman; experience of Board members; terms of office; vacancies; compensation of Board members appointed from private life.
(b) Appointment and compensation of staff members.
(c) Appointment and compensation of other necessary personnel.
(d) Utilization of personnel from Federal agencies or private life.
(e) Compensation of Board members and other personnel from Federal agencies; compensation of appointees from private life; travel expenses for personnel serving on an intermittent basis.
(f) Cooperation between Board and other Federal departments and agencies.
(g) Promulgation of cost accounting standards; use of standards by defense contractors and relevant Federal agencies; conditions for use of standards.

Sec.
2168. Cost Accounting Standards Board—Continued
(h) Implementation of cost accounting standards; cost accounting disclosure by defense contractors as a condition of contract; mandatory price adjustment clause in contract, with interest, for any increased costs due to contractor's failure to follow cost accounting standards; maximum rate and duration of interest; contract dispute; exemptions; effective date of proposed standards and regulations.
(i) Publication in Federal Register of cost accounting standards and regulations; submission and consideration of views and comments by interested parties; standards, regulations and modifications thereof as having full force and effect of law; effective date; exclusion of functions exercised from operation of specified laws; exemptions.
(j) Determination of compliance with cost accounting standards; right of authorized person to examine and copy relevant records of contractor.
(k) Reports to Congress by Board.
(*l*) Authorization of appropriations.

AMENDMENTS

1952—Act June 30, 1952, ch. 530, title I, § 116 (a), 66 Stat. 305, in title heading in table of contents struck out "Consumer And" in title VI.

1951—Act July 31, 1951, ch. 275, title I, § 107, 65 Stat. 138, amended heading of title II by adding "And Condemn".

§ 2061. Short title.

This Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], divided into titles, may be cited as "the Defense Production Act of 1950". (Sept. 8, 1950, ch. 932, § 1. 64 Stat. 798.)

TERMINATION DATE

Termination of sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix, see section 2166 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2072, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2062. Declaration of policy.

In view of the present international situation and in order to provide for the national defense and national security, our mobilization effort continues to require some diversion of certain materials and facilities from civilian use to military and related purposes. It also requires the development of preparedness programs and the expansion of productive capacity and supply beyond the levels needed to meet the civilian demand, in order to reduce the time required for full mobilization in the event of an attack on the United States.

In order to insure productive capacity in the event of such an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of the industrial facilities of the United States in the interest of the national defense, and to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construc-

tion, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other Act, each department and agency of the Executive Branch shall apply, under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. Nothing contained in this paragraph shall preclude the use of existing industrial facilities. (Sept. 8, 1950, ch. 932, § 2, 64 Stat. 798; June 30, 1953, ch. 171, § 2, 67 Stat. 129; Aug. 9, 1955, ch. 655, § 2, 69 Stat. 580; June 29, 1956, ch. 474, § 4, 70 Stat. 408.)

REFERENCES IN TEXT

This Act, referred to in the text, means the Defense Production Act of 1950, which is classified to sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix.

AMENDMENTS

1956—Act June 29, 1956 inserted paragraph relating to encouragement of the geographical dispersal of the industrial facilities of the United States.

1955—Act Aug. 9, 1955 provided that the mobilization effort requires the development of preparedness programs and the expansion of productive capacity and supply in order to reduce the time required for full mobilization.

1953—Act June 30, 1953, amended section generally to make it conform to the more limited scope of sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix.

EFFECTIVE DATE OF 1955 AMENDMENT

Section 11 of act Aug. 9, 1955, provided that the amendments made by act Aug. 9, 1955, to sections 2062, 2093 (g), 2151 (c), (d), 2158 (b), (d), (e), 2160 (b), (e—g), 2162 (c), (e), and 2166 (a) of this Appendix shall take effect as of the close of July 31, 1955.

SHORT TITLE OF 1955 AMENDMENT

Section 1 of act Aug. 9, 1955, provided that act Aug. 9, 1955, which enacted amendments to this section and sections 2093(g), 2151 (c), (d), 2158 (b), (d), (e), 2160 (b), (e—g), 2162 (c), (e), and 2166(a) of this Appendix, should be popularly known as the "Defense Production Act Amendments of 1955".

SHORT TITLE OF 1953 AMENDMENT

Section 1 of act June 30, 1953, provided that act June 30, 1953, which enacted amendments to this section and sections 2071, 2091(a), 2093 (b), (f), 2151(c), 2152(d), 2155(e), former section 2163a, and section 2166(a) of this Appendix, should be popularly known as the "Defense Production Act Amendments of 1953."

TRANSFER OF FUNCTIONS

The Office of Defense Mobilization was consolidated with the Federal Civil Defense Administration to form a new agency in the Executive Office of the President to be known as the Office of Emergency Preparedness by 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

TITLE I—PRIORITIES AND ALLOCATIONS

§ 2071. Priority in contracts and orders.

(a) Allocation of materials and facilities.

The President is authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense.

(b) Critical and strategic materials.

The powers granted in this section shall not be used to control the general distribution of any material in the civilian market unless the President finds (1) that such material is a scarce and critical material essential to the national defense, and (2) that the requirements of the national defense for such material cannot otherwise be met without creating a significant dislocation of the normal distribution of such material in the civilian market to such a degree as to create appreciable hardship. (Sept. 8, 1950, ch. 932, title I, § 101, 64 Stat. 799; July 31, 1951, ch. 275, title I, § 101(a), 65 Stat. 132; June 30, 1952, ch. 530, title I, §§ 101, 102, 66 Stat. 296; June 30, 1953, ch. 171, § 3, 67 Stat. 129.)

AMENDMENTS

1953—Subsec. (a). Act June 30, 1953 eliminated the provisions which related to the slaughtering of livestock and allocation of meat and meat products.

Subsec. (b). Act June 30, 1953, retained priorities and allocation authority for defense production but generally to discontinue such authority with respect to the civilian market except in respect to the civilian market except in the special cases where, because of shortages and demands of the defense effort, there otherwise would be a significant dislocation in the civilian market resulting in appreciable hardship.

1952—Act June 30, 1952, redesignated former section subsec. (a) and added provisions relating to meat and meat products, and added subsec. (b).

1951—Act July 31, 1951, added provision relating to slaughtering of livestock.

SHORT TITLE

Section 1 of act June 30, 1952, provided that act June 30, 1952, which amended the Defense Production Act of 1950, generally, should be popularly known as the "Defense Production Act Amendments of 1952". For distribution of act June 30, 1952, see Tables Volume.

Section 1 of act July 31, 1951, provided that act July 31, 1951, which enacted amendments of sections 1884, 1892—1896, 1898, 1899, 2071, 2072, 2074, 2081, 2093, 2094, 2102, 2103, 2105, 2109, 2122, 2123, 2131, 2133, 2135, 2151, 2153—2156, 2160, and 2163a—2166 of this Appendix and repealing section 694f of Title 38, Pensions, Bonuses, and Veterans' Relief, should be known as the "Defense Production Act Amendments of 1951."

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166 (a) of this Appendix.

CROSS REFERENCES

Discrimination against orders or contracts affected by priorities or allocations prohibited, see section 2157 of this Appendix.

EX. ORD. NO. 10161

Ex. Ord. No. 10161, Sept. 9, 1950, 15 F. R. 6105, as amended by Ex. Ord. No. 10200, Jan. 3, 1951, 16 F. R. 61; Ex. Ord. No. 10233, Apr. 23, 1951, 16 F. R. 3503; Ex. Ord. No. 10281, Aug. 28, 1951, 16 F. R. 8789; Ex. Ord. No. 10301, Nov. 5, 1951, 16 F. R. 11257; Ex. Ord. No. 10324, Feb. 6, 1952, 17 F. R. 1171; Ex. Ord. No. 10359, June 9, 1952, 17 F. R. 5269; Ex. Ord. No. 10373, July 15, 1952, 17 F. R. 6425; Ex. Ord. No. 10377, July 28, 1952, 17 F. R. 6891; Ex. Ord.

No. 10390, Sept. 2, 1952, 17 F. R. 7995; and Ex. Ord. No. 10433, Feb. 4, 1953, 18 F.R. 761, which related to delegation of President's functions, was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939 set out as a note under section 2153 of this Appendix.

ESTABLISHMENT AND FUNCTIONS OF NATIONAL PRODUCTION AUTHORITY

Secretary of Commerce by F. R. Doc. 50-8068, filed Sept. 13, 1950, 15 F. R. 6182, provided as follows:

"Section 1. Purpose. The purpose of this notice is to establish the organization necessary to carry out the functions assigned to the Secretary of Commerce by Executive Order 10161, 'Delegating Certain Functions of the President Under the Defense Production Act [see note under this section],' and is issued pursuant to the authority vested in the Secretary by such order and by Reorganization Plan No. 5 of 1950 [set out in the Appendix to Title 5].

"Section 2. Establishment of National Production Authority. There is hereby established in the Department of Commerce a National Production Authority which shall be headed by an Administrator appointed by the Secretary. The National Production Administrator shall report and be responsible to the Secretary.

"The National Production Authority shall perform the functions and exercise the powers vested in the Secretary of Commerce by Executive Order 10161, 'Delegating Certain Functions of the President Under the Defense Production Act of 1950 [see note under this section].' These functions shall include but not be limited to: (1) Determination of the requirements for materials and commodities needed for defense, civilian, foreign, and all other purposes; and (2) formulation and execution of the policies and programs necessary for the fulfillment of such requirements.

"Section 3. Establishment and functions of the Advisory Committee on Priorities Administration. There is hereby established an Advisory Committee on Priorities Administration consisting of the Administrator as Chairman and representatives from the following agencies and such other agencies as the Secretary may designate from time to time: (1) Department of Defense; (2) Department of the Interior; (3) Department of Agriculture; (4) Department of State; (5) Department of Labor; (6) Department of the Treasury; (7) Office of International Trade (Department of Commerce); (8) Economic Cooperation Administration; (9) Atomic Energy Commission; and (10) Housing and Home Finance Agency.

"The National Security Resources Board shall be invited to designate an observer to attend all meetings of the Advisory Committee on Priorities Administration.

"The Advisory Committee on Priorities Administration shall serve in an advisory capacity with respect to policy and program matters affecting the interests of the represented agencies. More specifically, the Committee shall: (1) Consider all factors relevant to the determination of the direct and indirect military, civilian, and foreign requirements for essential and critical raw materals and industrial products; (2) recommend programs for the production and allocation of such materials and products; and (3) review proposed orders and regulations and perform such other functions as the Chairman may assign.

"The Administrator, as Chairman, is authorized to: (1) Establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary; and (2) establish rules and regulations governing the procedures and operations of the Committee and its sub-groups.

"Section 4. Organizational adjustments. The following industry divisions of the Office of Industry and Commerce of the Bureau of Foreign and Domestic Commerce, together with their personnel, are transferred to the National Production Authority: Iron and Steel; Metals and Minerals; Rubber; Textiles and Leather; Chemicals; Forest Products; Construction; Machinery and Equipment; General Products; Motion Pictures; Food; Petroleum; Fuels and Energy.

"The Division of Small Business and the Marketing Division of the Office of Industry and Commerce are transferred to the National Production Authority, together with related personnel.

"Section 5. Administrative and Field Services. Pending further development of the organization and facilities of the National Production Authority and until otherwise directed, the central personnel, accounting, information, and other administrative service facilities of the Office of the Secretary shall provide administrative and other services to the National Production Authority.

"In addition, any necessary field services will be provided by the Department Field Service pending development of a sufficient volume of field work to justify separate field offices for the National Production Authority.

"Section 6. Reemployment rights. All permanent employees of the Office of Industry and Commerce who are transferred by the terms of this order to the National Production Authority and who remain with that organization and perform satisfactory service shall be entitled to reemployment rights in an appropriate position of at least the same grade held on the effective date of this order, when the transferred functions are returned to that Office. Other permanent employees of the Department who are transferred individually to the National Production Authority shall be entitled to reemployment rights under the same terms in the bureau or office from which transferred when their services are no longer needed in the National Production Authority.

"Section 7. Internal organization. The temporary internal organization of the National Production Authority shall consist of the following: (1) Administrator; (2) Deputy Administrator; (3) General Counsel; (4) Executive Officer; (5) Director of Public Information; (6) Office of Civilian Requirements; (7) Office of Labor Production; (8) Office of Manpower Requirements; (9) Office of Small Business; (10) Assistant Administrator for Program Determination; and (11) Assistant Administrator for Industry Operations.

"Section 8. Status in the Department. The National Production Authority shall operate as a primary organization unit of the Department of Commerce and shall be administered in conformance with established Departmental policies, regulations and procedures as set forth in the Department of Commerce 'Manual of Orders.'

"Section 9. Records transfer. All records remaining in the custody of the Department of Commerce relating to the War Production Board and its predecessor and successor agencies and transferred to the Department by Executive Order 9841 of April 23, 1947, are transferred to the custody and use of the National Production Authority."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2073, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2072. Hoarding of designated scarce materials.

In order to prevent hoarding, no person shall accumulate (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated by the President as scarce materials or materials the supply of which would be threatened by such accumulation. The President shall order published in the Federal Register, and in such other manner as he may deem appropriate, every designation of materials the accumulation of which is unlawful and any withdrawal of such designation.

In making such designations the President may prescribe such conditions with respect to the accumulation of materials in excess of the reasonable demands of business, personal, or home consumption as he deems necessary to carry out the objectives of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]. This section shall not be construed to limit the authority contained in sections 101 and 704 of this Act [sections 2071 and 2154 of this Appendix]. (Sept. 8, 1950, ch. 932, title I, § 102, 64 Stat. 799; July 31, 1951, ch. 275, title I, § 101(b), 65 Stat. 132.)

AMENDMENTS

1951—Act July 31, 1951, authorized the President to prescribe conditions and exceptions allowing the maintenance of substantial inventories of critical materials in certain cases.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2073, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2073. Penalties.

Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this title [sections 2071 to 2073 of this Appendix] or any rule, regulation, or order thereunder, shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. (Sept. 8, 1950, ch. 932, title I, § 103, 64 Stat. 799.)

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2074. Limitation on import of fats and oils; termination date; exercise of authority.

CODIFICATION

Section, act Sept. 8, 1950, ch. 932, title I, § 104, as added July 31, 1951, ch. 275, title I, § 101 (c), 65 Stat. 132, and amended June 30, 1952, ch. 530, § 103, 66 Stat. 297, terminated on June 30, 1953 by the terms of section 2166 (a) of this Appendix, and has been omitted from the Code.

TITLE II—AUTHORITY TO REQUISITION AND CONDEMN

AMENDMENTS

1951—Act July 31, 1951, ch. 275, title I, § 102 (a), 65 Stat. 132, in heading added "And Condemn".

§ 2081. Requisition of property needed for national defense.

CODIFICATION

Section, acts Sept. 8, 1950, ch. 932, title II, § 201, 64 Stat. 799; July 31, 1951, ch. 275, title I, § 102 (b), 65 Stat. 132, terminated on June 30, 1953, by the terms of section 2166 (a) of this Appendix, and has been omitted from the Code.

TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

§ 2091. Loan guarantees.

(a) Purpose of loans; guaranteeing agencies.

In order to expedite production and deliveries or services under Government contracts, the President may authorize, subject to such regulations as he may prescribe, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, and such other agencies of the United States engaged in procurement for the national defense as he may designate (hereinafter referred to as "guaranteeing agencies"), without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, to guarantee in whole or in part any public or private financing institution (including any Federal Reserve bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States, of any contract made for the national defense; but no small-business concern (as defined in section 714 (a) (1) of this Act) shall be held ineligible for the issuance of such a guaranty by reason of alternative sources of supply.

(b) Fiscal agents; accountability; reimbursement.

Any Federal agency or any Federal Reserve bank, when designated by the President, is authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section. All such funds as may be necessary to enable any such fiscal agent to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency. No such fiscal agent shall have any responsibility or accountability except as agent in taking any action pursuant to or under authority of the provisions of this section. Each such fiscal agent shall be reimbursed by each guaranteeing agency for all expenses and losses incurred by such fiscal agent in acting as agent on behalf of such guaranteeing agency, including among such expenses, notwithstanding any other provision of law, attorneys' fees and expenses of litigation.

(c) Supervision; interest, fees, procedures.

All actions and operations of such fiscal agents under authority of or pursuant to this section shall be subject to the supervision of the President, and to such regulations as he may prescribe; and the President is authorized to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents, and to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

(d) Funds available for guarantees.

Each guaranteeing agency is authorized to use for the purposes of this section any funds which have heretofore been appropriated or allocated or which hereafter may be appropriated or allocated to it, or which are or may become available to it, for such purposes or for the purpose of meeting the necessities of the national defense.

(e) Maximum obligation; prevention of personal financial insolvency or bankruptcy.

(1) Except with the approval of the Congress, the maximum obligation of any guaranteeing agency under any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20,000,000.

(2) The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless

(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production; and

(B) a copy of such certification, together with a detailed justification thereof, is transmitted to the Congress and to the Committees on Banking and Currency of the respective Houses at least ten days prior to the exercise of that authority for such use.

(Sept. 8, 1950, ch. 932, title III, § 301, 64 Stat. 800; June 30, 1953, ch. 171, § 4, 67 Stat. 129; Aug. 15, 1970, Pub. L. 91-379, title I, § 104, 84 Stat. 799.)

REFERENCES IN TEXT

Section "714(a)(1) of this Act", referred to in subsec. (a), was section 714(a)(1) of act Sept. 8, 1950, as added by act July 31, 1951, ch. 275, title I. § 110(a), 65 Stat. 139. Section 714 was formerly classified to section 2163a of this title, having since been omitted from the code as it terminated on July 31, 1953 by the terms of section 2166(a) of this Appendix. See Codification note under former section 2163a. The particular provisions in subsec. (a)(1) thereof, which subsection was not amended by subsequent acts previous to its termination and omission defined a small-business concern as follows: "For the purposes of this section [former section 2163a], a small-business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. The Administration [Small Defense Plants Administration created by former section 2163a], in making a detailed definition, may use these criteria, among others: independency of ownership and operation, number of employees, dollar volume of business, and nondominance in its field."

AMENDMENTS

1970—Subsec. (e). Pub. L. 91-379 added subsec. (e).

1953—Subsec. (a). Act June 30, 1953, made it clear that Government guaranties of credit may be made under this section in connection with the termination of Government contracts, and to provide that no small-business concern shall be denied a guaranty merely because an alternative source of supply exists for the item to be procured on the Government contract involved.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

EXECUTIVE ORDER NO. 10223

Ex. Ord. No. 10223, Mar. 12, 1951, 16 F.R. 2247, providing for the performance of certain functions under act Sept. 8, 1950, was revoked by section 404 of Ex. Ord. No. 10281, Aug. 28, 1951, 16 F.R. 8789.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2092. Loans to private business enterprises.

To expedite production and deliveries or services to aid in carrying out Government contracts for the procurement of materials or the performance of services for the national defense, the President may make provision for loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, or the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, and manufacture of newsprint. Such loans may be made without regard to the limitations of existing law and on such terms and conditions as the President deems necessary, except that financial assistance may be extended only to the extent that it is not otherwise available on reasonable terms. (Sept. 8, 1950, ch. 932, title III, § 302, 64 Stat. 801; June 30, 1952, ch. 530, title I, § 104, 66 Stat. 298.)

AMENDMENTS

1952—Act June 30, 1952 brought the manufacture of newsprint within its provisions.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

EXECUTIVE ORDER NO. 10634. LOANS FOR FACILITIES DESTROYED OR DAMAGED BY MAJOR DISASTER

Ex. Ord. No. 10634, Aug. 31, 1955, 20 F.R. 6433, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971, provided:

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix], and as President of the United States, it is hereby ordered as follows:

Whenever financial assistance is not otherwise available on reasonable terms, provision may be made for loans (including participations in, or guarantees of, loans) under section 302 of the Defense Production Act of 1950, as amended [this section], to aid in carrying out the reconstruction, rehabilitation, or replacement of facilities which are destroyed or damaged by major disaster as defined and determined under the provisions of the Act entitled, "An Act to authorize Federal assistance to States or local Governments in major disasters, and for other purposes" (64 Stat. 1109) [Chapter 15 of Title 42], whenever such facilities are required for national defense as determined by the Director of the Office of Emergency Planning.

DWIGHT D. EISENHOWER

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2094, 2151 to 2163, 2164 to 2168, 2182, 2183 of this Appendix.

§ 2093. Purchase of raw materials and installation of equipment.

(a) Purchases for use or resale; development of strategic minerals and metals; agricultural commodities; termination date.

To assist in carrying out the objectives of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], the President may make provision (1) for purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale; and (2) for the encouragement of exploration, development, and mining of critical and strategic minerals and metals: *Provided, however,* That purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial uses or stockpiling, and no commodity purchased under this subsection shall be sold at less than the established ceiling price for such commodity (except that minerals and metals shall not be sold at less than the established ceiling price, or the current domestic market price,

whichever is lower), or, if no ceiling price has been established, the higher of the following: (i) the current domestic market price for such commodity, or (ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of Public Law 439, Eighty-first Congress [section 1427 of Title 7]: *Provided further, however,* That no purchase or commitment to purchase any imported agricultural commodity shall be made calling for delivery more than one year after the expiration of this Act [June 30, 1952].

(b) Terms and conditions of purchase.

Subject to the limitations in subsection (a) of this section, purchases and commitments to purchase and sales under such subsection may be made without regard to the limitations of existing law, for such quantities, and on such terms and conditions, including advance payments, and for such periods, but not extending beyond June 30, 1975, as the President deems necessary, except that purchases or commitments to purchase involving higher than established ceiling prices (or if there be no established ceiling prices, currently prevailing market prices) or anticipated loss on resale shall not be made unless it is determined that supply of the materials could not be effectively increased at lower prices or on terms more favorable to the Government or that such purchases are necessary to assure the availability to the United States of overseas supplies.

(c) Subsidy payments on domestically produced materials; exclusion of agricultural products.

If the President finds—

(1) that under generally fair and equitable ceiling prices for any raw or nonprocessed material, there will result a decrease in supplies from high-costs sources of such material, and that the continuation of such supplies is necessary to carry out the objectives of the Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]; or

(2) that an increase in cost of transportation is temporary in character and threatens to impair maximum production or supply in any area at stable prices of any materials;

he may make provision for subsidy payments on any such domestically produced material other than an agricultural commodity in such amounts and in such manner (including purchases of such material and its resale at a loss without regard to the limitations of existing law), and on such terms and conditions, as he determines to be necessary to insure that supplies from such high-cost sources are continued, or that maximum production or supply in such area at stable prices of such materials is maintained, as the case may be.

(d) Transportation, storage, and processing.

The procurement power granted to the President by this section shall include the power to transport and store and have processed and refined, any materials procured under this section.

(e) Installation of equipment in industrial facilities.

When in his judgment it will aid the national defense, the President is authorized to install additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install government-owned equipment in plants, factories, and other industrial facilities owned by private persons.

(f) Transfer of excess materials to national stockpile.

Notwithstanding any other provision of law to the contrary, metals, minerals, and materials acquired pursuant to the provisions of this section which, in the judgment of the President, are excess to the needs of programs under this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], shall be transferred to the national stockpile established pursuant to the Act of June 7, 1939, as amended [sections 98—98h of Title 50], when the President deems such action to be in the public interest. Transfers made pursuant to this subsection shall be made without charge against or reimbursement from funds available under such Act of June 7, 1939 [sections 98 to 98h of Title 50], as amended, except that costs incident to such transfer other than acquisition costs shall be paid or reimbursed from such funds, and the acquisition costs of such metals, minerals, and materials transferred shall be deemed to be net losses incurred by the transferring agency and the notes payable issued to the Secretary of the Treasury representing the amounts thereof shall be canceled. Upon the cancellation of any such notes the aggregate amount of borrowing which may be outstanding at any one time under section 304 (b) of this Act, as amended [section 2094 (b) of this Appendix], shall be reduced in an amount equal to the amount of any notes so canceled.

(g) Development of substitutes for strategic and critical materials.

When in his judgment it will aid the national defense, and upon a certification by the Secretary of Agriculture or the Secretary of the Interior that a particular strategic and critical material is likely to be in short supply in time of war or other national emergency, the President may make provision for the development of substitutes for such strategic and critical materials. (Sept. 8, 1950, ch. 932, title III, § 303, 64 Stat. 801; July 31, 1951, ch. 275, title I, § 103(a), 65 Stat. 133; June 30, 1953, ch. 171, §§ 5, 6, 67 Stat. 130; Aug. 9, 1955, ch. 655, § 3, 69 Stat. 580; June 29, 1956, ch. 474, § 2, 70 Stat. 408; June 30, 1964, Pub. L. 88-343, § 2, 78 Stat. 235.)

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-343 substituted "June 30, 1975" for "June 30, 1965."

1956—Subsec. (b). Act June 29, 1956 substituted "June 30, 1965" for "June 30, 1963".

1955—Subsec. (g). Act Aug. 9, 1955 added subsec. (g).

1953—Subsec. (b). Act June 30, 1953, § 5, substituted "1963" for "1962".

Subsec. (f). Act June 30, 1953, § 6 added subsec. (f).

1951—Act July 31, 1951, amended section generally to broaden the authority under this section to include materials generally, to continue the prohibition against resale of domestic agricultural commodities except for industrial uses or stockpiling but eliminated it as to imported agricultural commodities, to provide that minerals and metals purchased under subsec. (a) may be sold at less than the established ceiling price, but not less than the current domestic market price, to limit the provision barring contracts calling for delivery more than one year after the expiration of this section to imported

agricultural commodities, to provide that purchases and commitments to purchase under subsec. (a) may not be made for any period extending beyond June 30, 1952, and to provide for a differential subsidy.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

EXECUTIVE ORDER No. 10219

Ex. Ord. No. 10219, Feb 28, 1951, 16 F.R. 1983, as amended by Ex. Ord. No. 10461, June 18, 1953, 18 F.R. 3513; Ex. Ord. No. 10537, June 22, 1954, 19 F.R. 3807; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 8, 1958, 23 F.R. 6971, which related to the responsibilities of federal agencies with respect to transportation and storage, was superseded by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, set out as a note under section 2271 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2094, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2094. Utilization and creation of agencies; borrowing from Treasury; revolving fund; contingent liability of United States.

(a) For the purposes of sections 302 and 303 [sections 2092 and 2093 of this Appendix], the President is authorized to utilize such existing departments, agencies, officials, or corporations of the Government as he may deem appropriate, or to create new agencies (other than corporations).

(b) Any agency created under this section, and any department, agency, official, or corporation utilized pursuant to this section is authorized, subject to the approval of the President, to borrow from the Treasury of the United States, such sums of money as may be necessary to carry out its functions under sections 302 and 303 [sections 2092 and 2093 of this Appendix]: *Provided,* That the amount borrowed under the provisions of this section by all such borrowers shall not exceed an aggregate of $2,100,000,000 outstanding at any one time: *Provided further,* That when any contract, agreement, loan, or other transaction heretofore or hereafter entered into pursuant to section 302 or 303 [sections 2092 or 2093 of this Appendix] imposes contingent liability upon the United States, such liability shall be considered for the purposes of sections 3679 and 3732 of the Revised Statutes, as amended [section 665 of Title 31 and section 11 of Title 41], as an obligation only to the extent of the probable ultimate net cost to the United States under such transaction; and the President shall submit a report to the Congress not less often than once each six months setting forth the gross amount of each such transaction entered into by any agency of the United States Government under this authority and the basis for determining the probable ultimate net cost to the United States thereunder. For the purpose of borrowing as authorized by this subsection, the borrower may issue to the Secretary of the Treasury its notes, debentures, bonds, or other obligations to be redeemable at its option before maturity in such manner as may be stipulated in such obligations. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the obligations: *Provided,* That no new purchases or commitments to purchase under section 303 [section 2093 of this Appendix] shall be made or entered into after June 30, 1964 (except purchases made pursuant to commitments entered into on or before such date), unless the President makes a finding that such new purchases or commitments are essential to the national security: *Provided further,* That the total of such new purchases and commitments, including contingent liabilities, made or incurred under section 303 [section 2093 of this Appendix] after June 30, 1964, shall not exceed $100,000,000. The Secretary of the Treasury is authorized and directed to purchase such obligations and for such purposes the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of obligations hereunder. (Sept. 8, 1950, ch. 932, title III, § 304, 64 Stat. 802; June 2, 1951, ch. 121, ch. XI, 65 Stat. 61; July 31, 1951, ch. 275, title I, § 103 (b, c), 65 Stat. 134; June 30, 1960, Pub. L. 86–560, § 2, 74 Stat. 282; June 30, 1964, Pub. L. 88–343, § 3, 78 Stat. 235.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89–348, § 2(8), Nov. 8, 1965, 79 Stat. 1312, modified the provisions of subsection (b) of this section to require annual instead of semi-annual submission to the Congress by the President of the report of each transaction entered into by any agency of the United States Government pursuant to sections 2092 and 2093 of this Appendix, together with the basis for determining the probable ultimate net cost to the United States.

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, and sections 757c–2, 757c–3, 757d, 757e, 758, 760, 764, 765, 766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88–343 provided that no new purchases or commitments to purchase shall be made or entered into after June 30, 1964, unless the President makes a finding that such new purchases or commitments are essential to national security, and that the total of such new purchases or commitments including contingent liabilities, could not exceed $100,000,000.

1960—Subsec. (b). Pub. L. 86–560 substituted "six months" for "quarter."

1951—Subsec. (b). Act July 31, 1951, § 103(b), increased the revolving fund from $600,000,000 to $2,100,000,000, and limited the contingent liability of the United States.

Subsec. (b). Act June 2, 1951, increased the aggregate of borrowing from $600,000,000 to $1,600,000,000.

Subsec. (c). Act July 31, 1951, § 103(c) repealed subsec. (c) which authorized $1,400,000,000 to be appropriated to carry out sections 2092 and 2093 of this Appendix.

TRANSFER OF FUNCTIONS, ETC.

Act July 30, 1953, ch. 282, title I, § 107 (a), (2), (b), 67 Stat. 273, provided that:

"All functions, powers, duties, and authority of the Reconstruction Finance Corporation under title III of the Defense Production Act of 1950, as amended [sections 2091—2094 of this Appendix], shall be transferred by the President not later than sixty days after the date of enactment of this Act [July 30, 1953] in accordance with the provisions of such Act [said sections].

"All assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, personnel, and records of the Reconstruction Finance Corporation which the Director of the Bureau of the Budget [now the Office of Management and Budget] shall determine to be primarily related to, and necessary for, the exercise of such functions, powers, duties, and authority, shall be transferred to the officer or agency of the Government to which such functions, powers, duties, and authority are transferred."

For short title of Title I of act July 30, 1953, quoted in part above, see note under section 603 of Title 15, Commerce and Trade; and for authorization of appropriations for carrying out purposes of such Act, and separability of provisions thereof, see notes under section 631 of such title.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2166 of this Appendix.

TITLE IV—PRICE AND WAGE STABILIZATION

§§ 2101 to 2112. Omitted.

CODIFICATION

Section 2101, act Sept. 8, 1950, ch. 932, title IV, § 401, 64 Stat. 803, related to purposes of price and wage stabilization and cooperation by government agencies.

Section 2102, acts Sept. 8, 1950, ch. 932, title IV, § 402, 64 Stat. 803; July 31, 1951, ch. 275, title I, § 104 (a—h), 65 Stat. 134; June 30, 1952, ch. 530, title I, §§ 105—111, 66 Stat. 298, related to price and wage controls.

Section 2103, acts Sept. 8, 1950, ch. 932, title IV, § 403, 64 Stat. 807; July 31, 1951, ch. 275, title I, § 105 (a), 65 Stat. 137; June 30, 1952, ch. 530, title I, § 112, 66 Stat. 300, authorized an independent agency to administer price and wage controls and rationing, created a Wage Stabilization Board in the Economic Stabilization Agency and prescribed its duties and functions and prescribed the jurisdiction of the Salary Stabilization Board and the Office of Salary Stabilization within the Economic Stabilization Agency. Act Sept. 8, 1950, ch. 932, title IV, § 403, 64 Stat. 807, formerly classified to section 2103 of this Appendix, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656.

Section 2104, act Sept. 8, 1950, ch. 932, title IV, § 404, 64 Stat. 807, authorized consultation by the President with representatives of persons affected by regulations or orders relating to price and wage controls.

Section 2105, acts Sept. 8, 1950, ch. 932, title IV, 405, 64 Stat. 807; July 31, 1951, ch. 275, title I, § 104(i), 65 Stat. 136, related to the unlawfulness for violating former sections 2101—2112 of this appendix or any regulations, orders or requirements issued thereunder.

Section 2106, act Sept. 8, 1950, ch. 932, title IV, § 406, 64 Stat. 807, prohibited any construction of former sections 2101—2112 of this Appendix as requiring any person to sell any material or service, or to perform personal services.

Section 2107, acts Sept. 8, 1950, ch. 932, title IV, § 407, 64 Stat. 807; June 30, 1952, ch. 530, title I, § 113(a), 66 Stat. 301, related to objections to price and rent control regulations, filing, hearing and determination of protests, procedure, and review.

Section 2108, acts Sept. 8, 1950, ch. 932, title IV, § 408, 64 Stat. 808; June 30, 1952, ch. 530, title I, § 113(b), 66 Stat. 302, related to determination, by the Emergency Court of Appeals, of validity of price, wage and rent control regulations, procedure, review by the Supreme Court, and stay of civil and criminal proceedings in other courts for determination of such validity.

Section 2109, acts Sept. 8, 1950, ch. 932, title IV, § 409, 64 Stat. 811; July 31, 1951, ch. 275, title I, § 104 (j—l), 65 Stat. 136, in connection with actions for violations of former section 2105 of this Appendix, and regulations or orders, related to injunctions, criminal penalties, recovery of overcharges, and disallowance of fines, penalties, and compromise sums for tax or other purposes.

Section 2110, act Sept. 8, 1950, ch. 932, title IV, § 410, 64 Stat. 812, required certain price representations and agreements to be contained in contracts providing for the purchase of processed chickens and turkeys by government agencies.

Section 2111, act Sept. 8, 1950, ch. 932, title IV, § 411, as added June 30, 1952, ch. 530, title I, § 114, 66 Stat. 304, made it unnecessary to furnish reports on sales or services below ceiling prices if such sales at such prices had been certified to the President.

Section 2112, act Sept. 8, 1950, ch. 932, title IV, § 412, as added June 30, 1952, ch. 530, title I, § 114, 66 Stat. 304, permitted the suspension or termination of price and wage controls over any materials or services, from time to time as economic factors might warrant, and their restoration if deemed necessary.

TERMINATION DATE

Sections 2101 to 2112 terminated on Apr. 30, 1953, by the terms of section 2166(a) of this Appendix.

EX. ORD. NO. 10160

Ex. Ord. No. 10160, Sept. 9, 1950, 15 F.R. 6103, which related to preservation of records for certain purposes, was revoked by Ex. Ord. No. 10662, Mar. 14, 1956, 21 F.R. 1673.

EX. ORD. NO. 10434. SUSPENSION OF WAGE AND PRICE CONTROLS

Ex. Ord. No. 10434, Feb. 6, 1953, 18 F. R. 809, provided:

1. All regulations and orders issued pursuant to the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2166 of this Appendix], stabilizing wages, salaries, and other compensation, are hereby suspended.

2. The wage, salary, and other compensation adjustments proposed in petitions pending before wage and salary control agencies may now be placed in effect without the approval of such agencies. To the extent that agreements involved in such petitions are conditioned upon approval under Title IV of the Defense Production Act [former sections 2101—2112 of this Appendix], this order shall be deemed such approval, but such approval shall be subject to paragraph 3 hereof.

3. This order shall not operate to defeat any suit, action, prosecution, or administrative enforcement proceeding, whether heretofore or hereafter commenced, with respect to any right, liability, or offense possessed, incurred, or committed, prior to this date.

EX. ORD. NO. 10494. DISPOSITION OF REMAINING FUNCTIONS

Ex. Ord. No. 10494, Oct. 15, 1953, 18 F.R. 6585, as amended by Ex Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971, provided:

Section 1. Fiscal liquidation. Such functions as remain in connection with the fiscal liquidation of the Economic Stabilization Agency are hereby transferred to the Secretary of the Treasury.

Sec. 2. Administrative proceedings. The function of conducting administrative proceedings under Title IV of the Act [former sections 2101—2112 of this Appendix], including the conclusion of those instituted pursuant to section 405 [former section 2105 of this Appendix] and the taking of necessary actions under sections 407 and 408 of the Act [former sections 2107 and 2108 of this Appendix], is hereby transferred to the Director of the Office of Emergency Planning.

Sec. 3. Enforcement and investigations. In addition to the functions now vested in the Attorney General by the Act [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2166 of this Appendix], he shall have, and there are hereby transferred to him, the following-described functions under Title IV of the Act

[former sections 2101—2112 of this Appendix]: (a) completing the processing of enforcement files, (b) concluding investigations where deemed appropriate, and (c) certifying disallowances (section 409(d) [former section 2109 of this Appendix]).

Sections 1 and 2 of this order shall become effective November 1, 1953. Section 3 shall become effective immediately.

TITLE V—SETTLEMENT OF LABOR DISPUTES

§§ 2121 to 2123. Omitted.

CODIFICATION

Section 2121, act Sept. 8, 1950, ch. 932, title V, § 501, 64 Stat. 812, stated the intent of Congress in providing for the settlement of labor disputes affecting national defense.

Section 2122, acts Sept. 8, 1950, ch. 932, title V, § 502, 64 Stat. 812; July 31, 1951, ch. 275, title I, § 105(b), 65 Stat. 137, stated the national policy in connection with such settlement, and provided for voluntary conferences.

Section 2123, acts Sept. 8, 1950, ch. 932, title V, § 503, 64 Stat. 812; July 31, 1951, ch. 275, title I, § 105(c), 65 Stat. 137; June 30, 1952, ch. 530, title I, § 115, 66 Stat. 305, provided that, in such settlements, due regard should be given to collective bargaining and other laws, and, as amended by the act of June 30, 1952, requested the President to invoke the Labor-Management Relations Act, 1947 (sections 176—180 of Title 29) with regard to the steel strike then existing.

TERMINATION DATE

Sections 2121—2123 terminated on Apr. 30, 1953, by the terms of section 2166(a) of this Appendix.

TITLE VI—CONTROL OF REAL ESTATE CREDIT

CODIFICATION

Sections 2132—2137 of this Appendix, which comprised this title, terminated on June 30, 1953 by the terms of section 2166 (a) of this Appendix. Previous to such termination, act June 30, 1952, ch. 530, title I, § 116(a), 66 Stat. 305 amended catchline of title to omit reference to consumer credit control and subtitle heading of this title to read "This title authorizes the regulation of real estate construction credit only."

§ 2131. Repealed. June 30, 1952, ch. 530, title I, § 116(a), 66 Stat. 305.

Section, acts Sept. 8, 1950, ch. 932, title VI, § 601, 64 Stat. 812; July 31, 1951, ch. 275, title I, § 106 (a), 65 Stat. 138, related to power to exercise consumer credit controls.

§§ 2132 to 2137. Omitted.

CODIFICATION

Section 2132, act Sept. 8, 1950, ch. 932, title VI, § 602, 64 Stat. 813, related to real estate construction credit.

Section 2133, acts Sept. 8, 1950, ch. 932, title VI, § 603, 64 Stat. 814; July 31, 1951, ch. 275, title I, § 106 (b), 65 Stat. 138, prescribed penalties for violating former sections 2131, 2132 and 2135 of this Appendix or any regulation or order issued thereunder.

Section 2134, act Sept. 8, 1950, ch. 932, title VI, § 604, 64 Stat. 814, related to consumer credit controls.

Section 2135, acts Sept. 8, 1950, ch. 932, title VI, § 605, 64 Stat. 814; July 31, 1951, ch. 275, title I, § 106 (c), 65 Stat. 138; Sept. 1, 1951, ch. 378, title VI, § 602 (a), 65 Stat. 313, related to real estate loans by government agencies.

Section 2136, act Sept. 8, 1950, ch. 932, title VI, § 606, as added Sept. 1, 1951, ch. 378, title VI, § 602 (b), 65 Stat. 313, related to down-payment requirements on veterans homes.

Section 2137, act Sept. 8, 1950, ch. 932, title VI, § 607, as added June 30, 1952, ch. 530, title I, § 116 (b), 66 Stat. 305, related to credit controls on residential property.

TERMINATION DATE

Sections 2132—2137 terminated on June 30, 1953, by the terms of section 2166(a) of this Appendix.

TITLE VII—GENERAL PROVISIONS

§ 2151. Small business.

(a) Encouragement.

It is the sense of the Congress that small-business enterprises be encouraged to make the greatest possible contribution toward achieving the objectives of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix].

(b) Information; advisory committees; exemptions; administration.

In order to carry out this policy—

(i) the President shall provide small-business enterprises with full information concerning the provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] relating to, or of benefit to, such enterprises and concerning the activities of the various departments and agencies under this Act [said sections];

(ii) such business advisory committees shall be appointed as shall be appropriate for purposes of consultation in the formulation of rules, regulations, or orders, or amendments thereto issued under authority of this Act [said sections], and in their formation there shall be fair representation for independent small, for medium, and for large business enterprises, for different geographical areas, for trade association members and nonmembers, and for different segments of the industry;

(iii) in administering this Act [said sections], such exemptions shall be provided for small-business enterprises as may be feasible without impeding the accomplishment of the objectives of this Act [said sections]; and

(iv) in administering this Act [said sections], special provision shall be made for the expeditious handling of all requests, applications, or appeals from small-business enterprises.

(c) Allocation of materials in civilian market.

Whenever the President invokes the powers given him in this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] to allocate any material in the civilian market, he shall do so in such a manner as to make available, so far as practicable, for business and various segments thereof in the normal channel of distribution of such material, a fair share of the available civilian supply based, so far as practicable, on the share received by such business under normal conditions during a representative period preceding any future allocation of materials: *Provided,* That the President shall, in the allocation of materials in the civilian market, give due consideration to the needs of new concerns and newly acquired operations, undue hardships of individual businesses, and the needs of smaller concerns in an industry.

(d) Distribution of defense contracts.

In order to further the objectives and purposes of this section, the Office of Defense Mobilization is directed to investigate the distribution of defense contracts with particular reference to the share of such contracts which has gone and is now going to small business, either directly or by subcontract;

to review the policies, procedures, and administrative arrangements now being followed in order to increase participation by small business in the mobilization program; to explore all practical ways, whether by amendments to laws, policies, regulations, or administrative arrangements, or otherwise, to increase the share of defense procurement going to small business; to get from the departments and agencies engaged in procurement, and from other appropriate agencies including the Small Business Administration, their views and recommendations on ways to increase the share of procurement going to small business; and to make a report to the President and the Congress, not later than six months after August 9, 1955, which report shall contain the following: (i) a full statement of the steps taken by the Office of Defense Mobilization in making investigations required by this subsection; (ii) the findings of the Office of Defense Mobilization with respect to the share of procurement which has gone and is now going to small business; (iii) a full and complete statement of the actions taken by the Office of Defense Mobilization and other agencies to increase such small business share; (iv) a full and complete statement of the recommendations made by the procurement agencies and other agencies consulted by the Office of Defense Mobilization; and (v) specific recommendations by the Office of Defense Mobilization for further action to increase the share of procurement going to small business. (Sept. 8, 1950, ch. 932, title VII, § 701, 64 Stat. 815; July 31, 1951, ch. 275, title I, § 108, 65 Stat. 138; June 30, 1953, ch. 171, § 7, 67 Stat. 130; Aug. 9, 1955, ch. 655, §§ 4, 5, 69 Stat. 580.)

AMENDMENTS

1955—Subsec. (c). Act Aug. 9, 1955, § 4, eliminated the specific dates which were the basis for determination of materials in the civilian market and inserted provisions requiring that a business receive its fair share based on a representative period before the imposition of the allocation.

Subsec. (d). Act Aug. 9, 1955, § 5 added subsec. (d).

1953—Subsection (c) amended generally by act June 30, 1953, the principal change being to provide, in the allocation to business of a fair share of available civilian supply, a new base period for allocating materials not under control on July 1, 1953.

1951—Subsec. (c). Act July 31, 1951, provided that the limitations and restrictions on the production of specific items shall not exclude new concerns.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Director of the Office of Defense Mobilization were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency preparedness in the Executive Office of the President.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2152 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2152. Definitions.

As used in this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]

(a) The word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] shall apply to the United States, or to any such government, political subdivision, or government agency.

(b) The word "materials" shall include raw materials, articles, commodities, products, supplies, components, technical information, and processes.

(c) The word "facilities" shall not include farms, churches or other places of worship, or private dwelling houses.

(d) The term "national defense" means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

(e) The words "wages, salaries, and other compensation" shall include all forms of remuneration to employees by their employers for personal services, including, but limited to, vacation and holiday payments, night shift and other bonuses, incentive payments, year-end bonuses, employer contributions to or payments of insurance or welfare benefits, employer contributions to a pension fund or annuity, payments in kind, and premium overtime payments.

(f) The term "defense contractor" means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense. (Sept. 8, 1950, ch. 932, title VII, § 702, 64 Stat. 815; June 30, 1953, ch. 171, § 8, 67 Stat. 130; Aug. 15, 1970, Pub. L. 91–379, title I, § 102, 84 Stat. 796.)

AMENDMENTS

1970—Subsec. (d). Pub. L. 91–379, § 102(1), inserted reference to space in definition of national defense.

Subsec. (f). Pub. L. 91–379, § 102(2), added subsec. (f).

1953—Subsec. (d), defining "national defense", amended generally by act June 30, 1953, which, among other changes, inserted the references to construction, military assistance to foreign nations and stockpiling, and omitted specific reference to "operations or activities in connection with the Mutual Defense Assistance Act of 1949, as amended".

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151, 2153 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2153. Delegation of authority; creation of new agencies; appointment and compensation of officers and personnel; State representation in regional offices.

(a) Except as otherwise specifically provided, the President may delegate any power or authority conferred upon him by this Act [sections 2061, 2062,

2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] to any officer or agency of the Government, including any new agency or agencies (and the President is authorized to create such new agencies, other than corporate agencies, as he deems necessary), and he may authorize such redelegations by that officer or agency as the President may deem appropriate. The President is authorized to appoint heads and assistant heads of any such new agencies, and other officials therein of comparable status, and to fix their compensation, without regard to the Classification Act of 1949, as amended, the head of one such agency to be paid at a rate comparable to the compensation paid to the heads of executive departments of the Government, and other such heads, assistant heads, and officials at rates comparable to the compensation paid to the heads and assistant heads of independent agencies of the Government. Any officer or agency may employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, without regard to section 14 of the Federal Employees Pay Act of 1946 (60 Stat. 219), as the President deems necessary to carry out the provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix].

(b) The head and assistant heads of any independent agency created to administer the authority conferred by title IV of this Act [former sections 2101 to 2112 of this Appendix] shall be appointed by the President, by and with the advice and consent of the Senate. There shall be included among the policy-making officers of each regional office administering the authority conferred by title IV of this Act [former sections 2101 to 2112 of this Appendix] a resident of each State served by such office whose governor requests such representation. (Sept. 8, 1950, ch. 932, title VII, § 703, 64 Stat. 816; July 31, 1951, ch. 275, title I, § 109 (a, b), 65 Stat. 139.)

REFERENCES IN TEXT

The Classification Act of 1949, referred to in subsec. (a), is classified to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

Section 14 of the Federal Employees Pay Act of 1946 (60 Stat. 219), referred to in subsec. (a), formerly classified to section 947 of Title 5, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.

AMENDMENTS

1951—Subsec. (a). Act July 31, 1951, § 109(a), provided that the executive head of one agency under this act shall be paid at a rate comparable to that paid heads of executive departments.

Subsec. (b). Act July 31, 1951, § 109(b), to provide for State representation in regional offices.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

OFFICE OF EMERGENCY PREPAREDNESS

The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90-608, c. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968, references to the Office of Emergency Preparedness.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR, BUREAU, OF DOMESTIC COMMERCE

Compensation for Director and Deputy Director, Bureau of Domestic Commerce, Department of Commerce, fixed at certain prescribed rates, see Ex. Ord. No. 11567, Nov. 16, 1970, 35 F.R. 17701, set out as a note under section 1511 of Title 15, Commerce and Trade.

PROVISIONS FOR CONDUCT OF MOBILIZATION EFFORT OF THE GOVERNMENT

Ex. Ord. No. 10193, Dec. 16, 1950, 15 F.R. 9031, which provided for conduct of mobilization effort of the Government, was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, set out as a note under this section.

ESTABLISHMENT OF DEFENSE PRODUCTION ADMINISTRATION

Ex. Ord. No. 10200, Jan. 3, 1951, 16 F. R. 61, as amended by Ex. Ord. No. 10281, Aug. 28, 1951, 16 F. R. 8789; Ex. Ord. No. 10433, Feb. 6, 1953, 18 F.R. 761, which related to establishment of Defense Production Administration, was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, set out as a note under this section.

Ex. Ord. No. 10224, Mar. 19, 1951, 16 F.R. 2543, as amended by Ex. Ord. No. 10461, June 18, 1953, 18 F.R. 3513, which provided for establishment of the National Advisory Board on Mobilization Policy was revoked by section 7(1) of Ex. Ord. No. 10773, set out as a note under section 2271 of this Appendix.

DEFENSE MATERIALS PROCUREMENT AND SUPPLY

Ex. Ord. No. 10281, Aug. 28, 1951, 16 F.R. 8789, which related to defense materials procurement and supply was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, set out as a note under this section.

COMMITTEE ON GOVERNMENT CONTRACT COMPLIANCE

Ex. Ord. No. 10308, Dec. 5, 1951, 16 F. R. 12303, creating the Committee on Government Contract Compliance, was revoked and the Committee abolished by Ex. Ord. No. 10479, Aug. 17, 1953, 18 F. R. 4899, set out as a note preceding section 1 of Title 41, Public Contracts.

MERGER OF DEFENSE PRODUCTION ADMINISTRATION WITH OFFICE OF DEFENSE MOBILIZATION

Ex. Ord. No. 10433, Feb. 4, 1953, 18 F.R. 761, which provided for merger of Defense Production Administration with Office of Defense Mobilization, was revoked by Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, set out as a note under this section.

EXECUTIVE ORDER NO. 10461

Ex. Ord. No. 10461, June 18, 1953, 18 F.R. 3513 which related to transfer of functions effected by Reorganization Plan No. 3 of 1953, was superseded by Ex. Ord. 11051, Sept. 27, 1962, 27 F.R. 9683, set out as a note under section 2271 of this Appendix.

EX. ORD. NO. 10480. ADMINISTRATION OF DEFENSE MOBILIZATION PROGRAM

Ex. Ord. No. 10480, Aug. 18, 1953, 18 F.R. 4939, as amended by Ex. Ord. No. 10489, Sept. 28, 1953, 18 F.R. 6201; Ex. Ord. No. 10537, June 22, 1954, 19 F.R. 3807; Ex. Ord. No. 10574, Nov. 8, 1954, 19 F.R. 7249; Ex. Ord. No. 10662, Mar. 14, 1956, 21 F.R. 1673; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 10819, May 11, 1959, 24 F.R. 3779; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 11062, Nov. 20, 1962, 27 F.R. 11447, provided:

PART I. GENERAL DIRECTION OF PROGRAM

SECTION 101. (a) The Director of the Office of Emergency Planning shall, on behalf of the President, coordinate all mobilization activities of the executive branch of the Government, including all such activities relating to production, procurement, manpower, stabilization, and transport. Every officer and agency of the Government having functions under the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix], delegated, redelegated, or otherwise assigned thereto by or under the authority of the President after the date of this order (whether heretofore or hereafter acquired, or acquired by this order) shall perform the said functions subject to the direction and control of the Director of the Office of Emergency Planning.

(b) In carrying out the functions conferred upon him by this order, the Director of the Office of Emergency Planning shall, among other things:

(1) Perform the central programming functions incident to the determination of the production programs required to meet defense needs.

(2) Make determinations as to the provision of adequate facilities for defense production and as to the procedure and methods followed by agencies of the Government with respect to the accomplishments of defense production programs.

(3) Be the certifying authority for the purposes of and within the meaning of subsections (e) and (g) of Section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950 [section 124A of Title 26 I.R.C. 1939].

(4) Issue such directives, consonant with law, on policy and program to officers and agencies of the Government for execution by them as may be necessary to carry out the functions assigned to him by this order, and resolve interagency issues which otherwise would require the attention of the President.

(5) Report to the President from time to time concerning his operations under this order.

SEC. 102. [Revoked. Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061].

PART II. PRIORITIES AND ALLOCATIONS

SEC. 201. (a) The functions conferred upon the President by Title I of the Defense Production Act of 1950, as amended [sections 2071—2073 of this Appendix], are hereby delegated to the Director of the Office of Emergency Planning, who shall, in carrying out the said functions, provide by redelegation or otherwise for their performance, subject to the provisions of section 101 of this order, by

(1) The Secretary of the Interior with respect to petroleum, gas, solid fuels and electric power.

(2) The Secretary of Agriculture with respect to food and with respect to the domestic distribution of farm equipment and commercial fertilizer.

(3) The Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car-service functions of the Commission as set forth in paragraphs 10 to 17, inclusive, of section 1 of the Interstate Commerce Act, as amended [section 1 of Title 49], with respect to domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping.

(4) The Secretary of Commerce with respect to all other materials and facilities.

(b) Findings made under or pursuant to and for the purposes of section 101 (b) of the Act [section 2071 (b) of this Appendix] shall not be effective until approved by the Director of the Office of Emergency Planning.

PART III. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

SEC. 301. The Department of Defense, the Atomic Energy Commission, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the General Services Administration, and the National Aeronautics and Space Administration, in this Part referred to as guaranteeing agencies, each officer having functions delegated to him pursuant to section 201(a) of this order, and each other agency of the Government having mobilization functions, shall, within areas of production designated by the Director of the Office of Emergency Planning, develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense.

SEC. 302. (a) Each guaranteeing agency is hereby authorized, in accordance with section 301 of the Defense Production Act of 1950, as amended [section 2091 of this Appendix], subject to the provisions of this section, in order to expedite production and deliveries or services under Government contracts, and without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States, of any contract made for the national defense; but no small business concern (as defined in section 714(a)(1) of the said Act [former section 2164(a)(1) of this Appendix]) shall be held ineligible for the issuance of such a guaranty by reason of alternative sources of supply.

(b) Each Federal Reserve Bank is hereby designated and authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of section 301 of the said Act, as amended [section 2091 of this Appendix], in respect to private financing institutions.

(c) All actions and operations of Federal Reserve Banks, under authority of or pursuant to section 301 of the said Act, as amended [section 2091 of this Appendix], shall be subject to the supervision of the Board of Governors of the Federal Reserve System. Said Board is hereby authorized, after consultation with the heads of the guaranteeing agencies, (1) to prescribe such regulations governing the actions and operations of fiscal agents hereunder as it may deem necessary, (2) to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents and (3) to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

SEC. 303. The Administrator of General Services is hereby authorized and directed to purchase and make commitments to purchase metals, minerals, and other materials, for Government use or resale, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended [section 2093 of this Appendix]: *Provided,* That the Secretary of Agriculture may also exercise the said functions under section 303 of the said Act, as amended [section 2093 of this Appendix], with respect to food, and with respect to plant fibers (except abaca) not included in the definition of food to the extent that the procurement of such fibers involves the encouragement and development of sources of supply within the United States and its Territories and possessions.

SEC. 304. The Director of the Office of Emergency Planning is hereby authorized and directed to encourage the exploration, development, and mining of critical and strategic minerals and metals, and to make provision for the development of substitutes for strategic and critical materials, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended [section 2093 of this Appendix].

SEC. 305. The Administrator of General Services is hereby authorized and directed to make subsidy payments, to determine the amounts, manner, terms, and conditions thereof, and to make findings, as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended [section 2093 (c) of this Appendix].

SEC. 306. The functions conferred upon the President by section 303 (e) of the Defense Production Act of 1950, as amended [section 2093 (e) of this Appendix], with respect to the installation of additional equipment, facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and with respect to the installation of Government-owned equipment in plants, factories, and other industrial facilities owned by private persons, are hereby delegated to the Administrator of General Services.

SEC. 307. The functions conferred upon the President by section 303 (f) of the Defense Production Act of 1950, as amended [section 2093 (f) of this Appendix], with respect to transfers to the stockpile referred to in the said section, are hereby delegated to the Director of the Office of Emergency Planning.

SEC. 308. The authority conferred upon the President by section 304 (b) of the Defense Production Act of 1950, as amended [section 2094 (b) of this Appendix], to approve borrowing from the Treasury of the United States is hereby delegated to the Director of the Office of Emergency Planning.

SEC. 309. All functions provided for in sections 303 to 307, inclusive, and in sections 310 and 311 of this order, shall be carried out within such amounts of funds as may be made available pursuant to the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2166 of this Appendix].

SEC. 310. (a) The Secretary of the Treasury, hereafter in this section referred to as the Secretary, is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, exclusive of such expansion, development and production in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended [section 2092 of this Appendix]. The functions assigned to the Secretary by this section include the administration and servicing of all loans (including participations in, or guarantees of, loans) made by the Reconstruction Finance Corporation prior to September 29, 1953, pursuant to the said section 302 [section 2092 of this Appendix].

(b) Loans under section 310 (a) hereof (1) shall be made upon such terms and conditions as the Secretary shall determine, (2) shall be made only after the Secretary has determined in each instance that financial assistance is not available on reasonable terms from private sources or from other governmental sources, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Office of Emergency Planning.

(c) Applications for loans under section 310 (a) hereof shall be received from applicants by the Secretary or by such agencies of the Government as the Secretary shall designate for this purpose.

SEC. 311. (a) The Export-Import Bank of Washington is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises, for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, in those cases where such expansion, development or production is carried on in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended [section 2092 of this Appendix].

(b) Loans under section 311 (a) hereof (1) shall be made upon such terms and conditions as the said Bank shall determine, (2) shall be made only after the Bank has determined in each instance that financial assistance is not available on reasonable terms from private sources and that the loan involved cannot be made under the provisions of and from funds available to the Bank under the Export-Import Bank Act of 1945, as amended [chapter 6A of Title 12], and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Office of Emergency Planning.

(c) Applications for loans under section 311 (a) hereof shall be received from applicants by the said Bank or by such agencies of the Government as the Bank shall designate for this purpose.

SEC. 312. The functions conferred by sections 303, 305 and 306 of this order shall be carried out in accordance with programs certified by the Director of the Office of Emergency Planning. Each officer and agency of the Government having mobilization functions shall make recommendations to the Director of the Office of Emergency Planning for the issuance of certificates or other action under sections 302 and 303 of the Defense Production Act of 1950, as amended [sections 2092 and 2093 of this Appendix], and for the issuance of certificates under subsections (e) and (g) of section 168 of the Internal Revenue Code of 1954 [Title 26], with respect to the materials and facilities which are, pursuant to the designation of areas of production by the Director of the Office of Emergency Planning under section 301 of this order, as amended, within the jurisdiction of such officer or agency.

SEC. 313. The Director of the Office of Emergency Planning is hereby authorized and directed to submit to the Congress the reports required by the second proviso of section 304(b) of the Defense Production Act of 1950, as amended [section 2094(b) of this title].

PART IV. LABOR SUPPLY

SEC. 401. The Secretary of Labor shall utilize the functions vested in him so as to meet most effectively the labor needs of defense industry and essential civilian employment, and to this end he shall:

(a) Assemble and analyze information on, and make a continuing appraisal of, the nation's labor requirements for defense and other activities and the supply of workers. All agencies of the Government shall cooperate with the Secretary in furnishing information necessary for this purpose.

(b) Consult with and advise each delegate of the Director of the Office of Emergency Planning referred to in section 201(a) of this order and each official of the Government exercising guarantee or loan functions under Part III of this order concerning (1) the effect of contemplated actions on labor supply and utilization, (2) the relation of labor supply to materials and facilities requirements, (3) such other matters as will assist in making the exercise of priority and allocations functions consistent with effective utilization and distribution of labor.

(c) Formulate plans, programs, and policies for meeting defense and essential civilian labor requirements.

(d) Utilize the public employment service system, and enlist the cooperation and assistance of management and labor to carry out these plans and programs and accomplish their objectives.

(e) Determine the occupations critical to meeting the labor requirements of defense and essential civilian activities and with the Secretary of Defense, the Director of Selective Service, and such other persons as the Director of the Office of Emergency Planning may designate and develop policies applicable to the induction and deferment of personnel for the armed services, except for civilian personnel in the reserves.

PART V. VOLUNTARY AGREEMENTS

SEC. 501. The functions conferred upon the President by section 708 of the Defense Production Act of 1950, as amended [section 2158 of this Appendix], are hereby delegated to the Director of the Office of Emergency Planning. Each officer of the Government to whom functions under Title I of the Defense Production Act of 1950, as amended [sections 2071—2073 of this Appendix], are delegated or otherwise assigned by the Director of the Office of Emergency Planning under section 201(a) hereof may, with respect to the materials and facilities within his jurisdiction, carry out the consultations referred to in subsection 708(a) of that Act [section 2158(a) of this Appendix], and make recommendations to the Director of the Office of Emergency Planning for the approval of voluntary agreements and programs as provided in section 708 of that Act [section 2158 of this Appendix].

PART VI. GENERAL PROVISIONS

SEC. 601. As used in this order:

(a) The term "functions" includes powers, duties, authority, responsibilities, and discretion.

(b) The term "materials" includes raw materials, articles, commodities, products, supplies, components, technical information, and processes, but excludes fissionable materials as defined in the Atomic Energy Act of 1946 [former chapter 14, present chapter 23 of Title 42].

(c) The term "petroleum" shall mean crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for the movement thereof.

(d) The term "gas" shall mean natural gas and manufactured gas, including pipelines for the movement thereof.

(e) The term "solid fuels" shall mean all forms of anthracite, bituminous, subbituminous, and lignitic coals; coke; and coal chemicals.

(f) The term "electric power" shall mean all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(g) The term "metals and minerals" shall mean all raw materials of mineral origin, including their refining and processing but excluding their fabrication.

(h) The term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(i) The term "farm equipment" shall mean equipment manufactured for use on farms in connection with the production or processing of food.

(j) The term "fertilizer" shall mean fertilizer in form for distribution to the users thereof.

(k) The term "domestic transportation, storage, and port facilities" shall include locomotives, cars, motor vehicles, watercraft used on inland waterways, in harbors, and on the Great Lakes, and other vehicles, vessels, and all instrumentalities of shipment or carriage, irrespective of ownership, and all services in or in connection with the carriage of persons or property in intrastate, interstate, or foreign commerce within the United States, its Territories and possessions, and the District of Columbia, except movement of petroleum and gas by pipeline; and warehouses, piers, docks, wharves, loading and unloading equipment, and all other structures and facilities used in connection with the transshipment of persons and property between domestic carriers and carriers engaged in coastwise, intercoastal, and overseas transportation.

SEC. 602. (a) Except as otherwise provided in section 602 (c) of this order, each officer or agency of the Government having functions under the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix], delegated or assigned thereto by or pursuant to this Executive order may exercise and perform, with respect to such functions, the functions vested in the President by Title VII of the said Act [sections 2151—2163 and 2164—2166 of this Appendix].

(b) The functions which may be exercised and performed pursuant to the authority of section 602 (a) of this order shall include, but not by way of limitation, (1) except as otherwise provided in section 708 (c) of the Defense Production Act of 1950, as amended [section 2158 of this Appendix], the power to redelegate functions, and to authorize the successive redelegation of functions, to agencies, officers, and employees of the Government, (2) the power to create an agency or agencies, under the jurisdiction of the officer concerned, to administer functions delegated or assigned by or pursuant to this order, and (3) in respect of Part II of this order, the power of subpoena: *Provided,* That the subpoena power shall be utilized only after the scope and purpose of the investigation, inspection, or inquiry to which the subpoena relates have been defined either by the appropriate officer referred to in section 602 (a) of this order or by such other person or persons as he shall designate.

(c) There are excluded from the functions delegated by section 602 (a) of this order (1) the functions delegated by Part V of this Order, (2) the functions of the President with respect to regulations under section 710 (b), (c), (d) and (e) of the Defense Production Act of 1950, as amended [section 2160 (b), (c), (d), (e) of this Appendix], and (3) the functions of the President with respect to fixing compensation under section 703 (a) of the said Act [subsection (a) of this section].

(d) [Deleted].

SEC. 603. All agencies of the Government (including, as used in this order, departments, establishments, and corporations) shall furnish to each officer of the Government to whom functions under the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix], are delegated or assigned by or pursuant to this order such information relating to defense production or procurement, or otherwise relating to the said functions, delegated or assigned to such officer by or pursuant to this order as may be required to perform those functions.

SEC. 604. The Defense Materials Procurement Agency established by Executive Order No. 10281 of August 28, 1951 (16 F.R. 8789) [see note under this section], is hereby abolished and the personnel, records, property, and unexpended balances of appropriations, allocations and other funds thereof shall be transferred from it to the General Services Administration for use in connection with the functions assigned or delegated to the Administrator of General Services by or pursuant to this order or for purposes of liquidation, as the said Administrator shall determine.

SEC. 605. The Economic Stabilization Agency, established by Executive Order No. 10161 of September 9, 1950 [see note under section 2071 of this Appendix], is continued to October 31, 1953, under the direction of the Director of the Office of Emergency Planning who shall serve *ex officio* as the Economic Stabilization Administrator for the purpose of winding up and liquidating the affairs of said Agency.

SEC. 606. All orders, regulations, rulings, certificates, directives and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority, and nothing in this order shall affect the validity or force of anything heretofore done under previous delegations or other assignment of authority under the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix].

SEC. 607. The following are superseded or revoked:

(1) Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105).

(2) Executive Order No. 10169 of October 11, 1950 (15 F. R. 6901).

(3) Executive Order No. 10193 of December 16, 1950 (15 F. R. 9031).

(4) Executive Order No. 10200 of January 3, 1951 (16 F. R. 61).

(5) Executive Order No. 10223 of March 10, 1951 (16 F. R. 2247).

(6) Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789).

(7) Executive Order No. 10324 of February 6, 1952 (17 F. R. 1171).

(8) Executive Order No. 10359 of June 9, 1952 (17 F. R. 5269).

(9) Executive Order No. 10373 of July 14, 1952 (17 F. R. 6425).

(10) Executive Order No. 10377 of July 25, 1952 (17 F. R. 6891).

(11) Executive Order No. 10390 of August 30, 1952 (17 F. R. 7995).

(12) Executive Order No. 10433 of February 4, 1953 (18 F. R. 761).

(13) Executive Order No. 10467 of June 30, 1953 (18 F. R. 3777).

SEC. 608. To the extent that any provision of any prior Executive Order (including Executive Order No. 10461 of June 17, 1953 (18 F. R. 3513)) [set out as a note under this section] is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly. The following designated orders, modified as required to conform them to the provisions of this order, shall remain in effect:

Executive Order No. 10182 of November 21, 1950 (15 F. R. 8013), as amended by Executive Order No. 10205 of

January 16, 1951 (16 F. R. 419) [set out as a note under section 2160 of this Appendix].

Executive Order No. 10219 of February 28, 1951 (16 F. R. 1983) [set out as a note under section 2093 of this Appendix].

Executive Order No. 10224 of March 15, 1951 (16 F. R. 2543) [set out as a note under this section].

EXECUTIVE ORDER No. 10660

Ex. Ord. No. 10660, Feb. 16, 1956, 21 F.R. 1117, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, which established a National Defense Executive Reserve, was superseded by Ex. Ord. No. 11179, Sept. 22, 1964, 29 F.R. 13239, set out as a note under this section.

EX. ORD. No. 11179. NATIONAL DEFENSE EXECUTIVE RESERVE

Ex. Ord. No. 11179, Sept. 22, 1964, 29 F.R. 13239, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including Sections 703(a) and 710(e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2153(a); 2160(e)), and as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the Executive Branch of the Government a National Defense Executive Reserve composed of persons selected from various segments of the civilian economy and from government for training for employment in executive positions in the Federal Government in the event of the occurrence of an emergency that requires such employment.

SEC. 2. The Director of the Office of Emergency Planning (hereinafter referred to as the Director) shall administer the Executive Reserve program; coordinate the activities of other agencies in establishing units of the Reserve; provide for appropriate standards of recruitment and training; approve prospective members of the Executive Reserve; and issue necessary rules and regulations in connection with the program.

SEC. 3. The Director, in carriyng out his responsibilities under this order, may utilize the services of other departments and agencies in the maintenance of agency and centralized rosters and in the development of training programs and materials.

SEC. 4. (a) The head of any department or agency of the Government (hereinafter referred to as a Secretary), designated by the Director after appropriate consultation, may establish a unit of the Executive Reserve (hereinafter referred to as Executive Reserve Units) in his respective department or agency.

(b) Executive Reserve Units existing under Executive Order No. 10660 of February 15, 1956, as amended, on the date of this order shall henceforth be deemed to be Executive Reserve Units under this order.

SEC. 5. Membership in Executive Reserve Units shall be subject to the following:

(1) Subject to the provisions of this order, particularly paragraph (4) of this section, an individual who on the date of this order was a member of an Executive Reserve Unit under Executive Order No. 10660 may continue to serve therein without further designation.

(2) A Secretary desiring to designate an individual to serve as a member of an Executive Reserve Unit of his department or agency shall submit the name of the prospective designee to the Director for approval. Upon approval of the prospective designee by the Director, the Secretary concerned may designate the individual as a member of the Executive Reserve Unit of his department or agency.

(3) An individual whose membership in an Executive Reserve Unit has at any time expired, or is at any time about to expire, under the terms of this order may be redesignated as a member under the procedure set forth in paragraph (2) of this section.

(4) Without limiting the authority of the respective Secretaries to terminate the membership of any individual in an Executive Reserve Unit at any time, it is directed that continued service of a member under paragraph (1) of this section, and the designation or redesignation of a member under paragraph (2) or (3) of this section, respectively (including any designation of an individual occurring at the expiration of his continued service under paragraph (1)), shall be for a period not to exceed three years.

SEC. 6. Activities of any person by reason of his continuance, designation, or redesignation as an Executive Reservist under this order shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for mobilization assignments under the Reserve program.

SEC. 7. The Director shall report to the President annually, and at such other times as may be appropriate, on the status and operation of the Executive Reserve program.

SEC. 8. Executive Order No. 10660 of February 15, 1956, entitled "Providing for the Establishment of a National Defense Executive Reserve," as amended, is hereby superseded.

LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151, 2152, 2154 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2154. Rules, regulations, and orders.

The President may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]. Any regulation or order under this Act [said sections] may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this Act [said sections], or to prevent circumvention or evasion, or to facilitate enforcement of this Act [said sections], or any rule, regulation, or order issued under this Act [said sections]. No rule, regulation, or order issued under this Act [said sections] which restricts the use of natural gas (either directly, or by restricting the use of facilities for the consumption of natural gas, or in any other manner) shall apply in any State in which a public regulatory agency has authority to restrict the use of natural gas and certifies to the President that it is exercising that authority to the extent necessary to accomplish the objectives of this Act [said sections]. (Sept. 8, 1950, ch. 932, title VII, § 704, 64 Stat. 816; July 31, 1951, ch. 275, title I, § 109(c), 65 Stat. 139.)

AMENDMENTS

1951—Act July 31, 1951 limited authority to regulate natural gas where a State agency is handling the matter.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2153, 2155 to 2163, 2164 to 2168, 2182, 2183 of this Appendix.

§ 2155. Investigations; records; reports; subpenas; right to counsel.

(a) The President shall be entitled, while this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] is in effect and for a period of two years thereafter, by regulation, subpena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the

books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any person as may be necessary or appropriate, in his discretion, to the enforcement or the administration of this Act [said sections] and the regulations or orders issued thereunder. The President shall issue regulations insuring that the authority of this subsection will be utilized only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Repealed. Pub. L. 91–452, title II, § 251, Oct. 15, 1970, 84 Stat. 931.

(c) The production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpena, or other document issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(d) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the above provisions of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $1,000 or imprisoned for not more than one year or both.

(e) Information obtained under this section which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense, and any person willfully violating this provision shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

All information obtained by the Office of Price Stabilization under this section 705, as amended, and not made public prior to April 30, 1953, shall be deemed confidential and shall not be published or disclosed, either to the public or to another Federal agency except the Congress or any duly authorized committee thereof, and except the Department of Justice for such use as it may deem necessary in the performance of its functions, unless the President determines that the withholding thereof is contrary to the interests of the national defense, and any person willfully violating this provision shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

(f) Any person subpenaed under this section shall have the right to make a record of his testimony and to be represented by counsel. (Sept. 8, 1950, ch. 932, title VII, § 705, 64 Stat. 816; July 31, 1951, ch. 275, title I, § 109(d), 65 Stat. 139; June 30, 1952, ch. 530, title I, § 117, 66 Stat. 306; June 30, 1953, ch. 171, § 9, 67 Stat. 131; Oct. 15, 1970, Pub. L. 91–452, title II, § 251, 84 Stat. 931.)

REFERENCES IN TEXT

The Office of Price Stabilization, referred to in the second par. of subsec. (e), was created by General Order 2 of the Economic Stabilization Administrator on Jan. 2, 1951. The Director of Price Stabilization, provided for in Ex. Ord. No. 10161, Sept. 9, 1950, 15 F.R. 6105, as amended, set out in note under section 2071 of this Appendix, was designated to head the office. For suspension of wage and price controls, see Ex. Ord. No. 10434, Feb. 6, 1953, 18 F.R. 809, set out in note under former section 2101 of this Appendix.

AMENDMENTS

1970—Subsec. (b). Pub. L. 91–452 struck out subsec. (b) which related to the immunity from prosecution of any natural person compelled to testify or produce evidence, documentary or otherwise, after claiming his privilege against self-incrimination, and that any such immunity granted would not be construed to vest in any individual any right to priorities assistance, to the allocation of materials, or to any other benefit within the power of the President to grant under sections 2061 to 2166 of this Appendix.

1953—Subsec. (e). Act June 30, 1953 added second par.

1952—Subsec. (f). Act June 30, 1952 added subsec. (f).

1951—Subsec. (a). Act July 31, 1951 made it clear that the President has authority to administer oaths and affirmations.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

SAVINGS PROVISION

Amendment by Pub. L. 91–452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2154, 2156 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2156. Jurisdiction of courts; injunctions; venue; process; effect of termination of Act.

(a) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon

a showing by the President that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted without bond.

(b) The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] or any rule, regulation, order, or subpena thereunder, and of all civil actions under this Act [said sections] to enforce any liability or duty created by, or to enjoin any violation of, this Act [said sections] or any rule, regulation, order, or subpena thereunder. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; the subpena for witnesses who are required to attend a court in any district in such case may run into any other district. The termination of the authority granted in any title or section of this Act [said sections], or of any rule, regulation, or order issued thereunder, shall not operate to defeat any suit, action, or prosecution, whether theretofore or thereafter commenced, with respect to any right, liability, or offense incurred or committed prior to the termination date of such title or of such rule, regulation, or order. No costs shall be assessed against the United States in any proceeding under this Act [said sections]. All litigation arising under this Act [said sections] or the regulations promulgated thereunder shall be under the supervision and control of the Attorney General. (Sept. 8, 1950, ch. 932, title VII, § 706, 64 Stat. 817; July 31, 1951, ch. 275, title I, § 109(e), 65 Stat. 139.)

AMENDMENTS

1951—Subsec. (a). Act July 31, 1951, broadened the relief a court may grant when the Government seeks to enjoin violations.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2155, 2157 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2157. Liability for compliance with invalid regulations; discrimination against orders or contracts affected by priorities or allocations.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order issued pursuant to this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid. No person shall discriminate against orders or contracts to which priority is assigned or for which materials or facilities are allocated under title I of this Act [sections 2071 to 2073 of this Appendix] or under any rule, regulation, or order issued thereunder, by charging higher prices or by imposing different terms and conditions for such orders or contracts than for other generally comparable orders or contracts, or in any other manner. (Sept. 8, 1950, ch. 932, title VII, § 707, 64 Stat. 818; June 30, 1952, ch. 530, title I, § 118, 66 Stat. 306.)

AMENDMENTS

1952—Act June 30, 1952 in first sentence struck out "his" preceding "compliance with".

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2156, 2158 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2158. Voluntary agreements and programs; exemptions from anti-trust laws and Federal Trade Commission Act; surveys and reports to Congress; termination.

(a) The President is authorized to consult with representatives of industry, business, financing, agriculture, labor, and other interests, with a view to encouraging the making by such persons with the approval by the President of voluntary agreements and programs to further the objectives of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix].

(b) No act or omission to act pursuant to this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] which occurs while this Act [said sections] is in effect, if requested by the President pursuant to a voluntary agreement or program approved under subsection (a) [of this section] and found by the President to be in the public interest as contributing to the national defense shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act [sections 41 to 46 and 47 to 58 of Title 15] of the United States.

(c) The authority granted in subsection (b) of this section shall be delegated only (1) to officials who shall for the purpose of such delegation be required to be appointed by the President by and with the advice and consent of the Senate, unless otherwise required to be so appointed, and (2) upon the condition that such officials consult with the Attorney General and with the Chairman of the Federal Trade Commission not less than ten days before making any request or finding thereunder, and (3) upon the condition that such officials obtain the approval of the Attorney General to any request thereunder before making the request. For the purpose of carrying out the objectives of title I of this Act [sections 2071 to 2073 of this title], the authority granted in subsection (b) of this section shall not be delegated except to a single official of the Government.

(d) Upon withdrawal of any request or finding made hereunder, or upon withdrawal by the Attor-

ney General of his approval of the voluntary agreement or program on which the request or finding is based, the provisions of this section shall not apply to any subsequent act or omission to act by reason of such finding or request.

(e) The Attorney General is directed to make, or request the Federal Trade Commission to make for him, surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of the administration of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]. Such surveys shall include studies of the voluntary agreements and programs authorized by this section. The Attorney General shall submit to the Congress and the President at least once every three months reports setting forth the results of such studies of voluntary agreements and programs authorized by this section. (Sept. 8, 1950, ch. 932, title VII, § 708, 64 Stat. 818; June 30, 1952, ch. 530, title I, § 116(c), 66 Stat. 305; Aug. 9, 1955, ch. 655, § 6, 69 Stat. 581; Sept. 26, 1961, Pub. L. 87-305, § 5(b), 75 Stat. 667; Dec. 23. 1969, Pub. L. 91-151, title I, § 9, 83 Stat. 376.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89-348, § 2(11), Nov. 8, 1965, 79 Stat. 1313, modified the provisions of subsection (e) of this section to require annual instead of quarterly submission of the report concerning voluntary agreements and programs.

AMENDMENTS

1969—Subsec. (b). Pub. L. 91-151, § 9(a), deleted provision under which the exemption from the prohibitions of the antitrust laws and the application of the Federal Trade Commission Act had been limited to only those voluntary agreements covering military equipment purchased by the Defense Department.

Subsec. (f). Pub. L. 91-151, § 9(b), struck out subsec. (f) which had prohibited approval of voluntary credit control agreements under this section after June 30, 1952.

1961—Subsec. (e). Pub. L. 87-305 deleted ", and the reports hereafter required," following "Such surveys" and "within ninety days after the approval of this Act [September 8, 1950], and" following "President" and substituted "studies of voluntary agreements and programs authorized by this section" for "such surveys and including such recommendations as he may deem desirable."

1955—Subsec. (b). Act Aug. 9, 1955, § 6(1), added proviso clause.

Subsec. (d). Act Aug. 9, 1955, § 6(2), exempted subsequent acts or omissions to act upon withdrawal by the Attorney General of his approval of the voluntary agreement or program.

Subsec. (e). Act Aug. 9, 1955, § 6 (3), (4), included studies of the voluntary agreements and programs in surveys and reports, and required the Attorney General to report to Congress at least once every three months.

1952—Subsec. (f). Act June 30, 1952 added subsec. (f).

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Director of the Office of Defense Mobilization were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

DELEGATION OF FUNCTIONS TO SMALL BUSINESS ADMINISTRATOR

Certain functions conferred on the President by this section as delegated to the Administrator of the Small Business Administration, see Ex. Ord. 10493, Oct. 15, 1953, 18 F. R. 6583, set out as a note under section 646 of Title 15, Commerce and Trade. Ex. Ord. 10370, July 8, 1952, 17 F.R. 6141, which delegated the authority, vested in the President by this section, to the Small Defense Plants Administrator was revoked by Ex. Ord. No. 10493, Oct. 15, 1953, 18 F.R. 6583, set out as a note under section 646 of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2157, 2159 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2159. Exemption from Administrative Procedure Act; statements in rules, regulations, and orders as to consultation with industry representatives.

The functions exercised under this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [sections 551 et seq. and 701 et seq. of Title 5] except as to the requirements of section 3 thereof [section 1002 of Title 5]. Any rule, regulation, or order, or amendment thereto, issued under authority of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] shall be accompanied by a statement that in the formulation thereof there has been consultation with industry representatives, including trade association representatives, and that consideration has been given to their recommendations, or that special circumstances have rendered such consultation impracticable or contrary to the interest of the national defense, but no such rule, regulation, or order shall be invalid by reason of any subsequent finding by judicial or other authority that such a statement is inaccurate. (Sept. 8, 1950, ch. 932, title VII, § 709, 64 Stat. 819.)

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2158, 2160 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2160. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.

(a) Repealed. June 28, 1955, ch. 189, § 12 (c) (1), 69 Stat. 180.

(b) (1) The President is further authorized, to the extent he deems it necessary and appropriate in order to carry out the provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] and subject to such regulations as he may issue, to employ persons of outstanding experience and ability without compensation;

(2) The President shall be guided in the exercise of the authority provided in this subsection by the following policies:

(i) So far as possible, operations under the Act [said sections] shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall be to advisory or consultative positions only.

(ii) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(iii) In the appointment of personnel and in assignment of their duties, the head of the department or agency involved shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

(3) Appointees under this subsection shall, when policy matters are involved, be limited to advising appropriate full-time salaried Government officials who are responsible for making policy decisions.

(4) Any person employed under this subsection is exempted, with respect to such employment, from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, and section 190 of the Revised Statutes [now covered by section 207 of Title 18], except that—

(i) exemption hereunder shall not extend to the negotiation or execution, by such appointee, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

(ii) exemption hereunder shall not extend to making any recommendation or taking any action with respect to individual applications to the Government for relief or assistance, on appeal or otherwise, made by the private employer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

(iii) exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claims against the Government involving any matter concerning which the appointee had any responsibility during his employment under this subsection, during the period of such employment and the further period of two years after the termination of such employment; and

(iv) exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service hereunder from any source other than the private employer of the appointee at the time of his appointment hereunder.

(5) Appointments under this subsection shall be supported by written certification by the head of the employing department or agency—

(i) that the appointment is necessary and appropriate in order to carry out the provisions of the Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix];

(ii) that the duties of the position to which the appointment is being made require outstanding experience and ability;

(iii) that the appointee has the outstanding experience and ability required by the position; and

(iv) that the department or agency head has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

(6) The heads of the departments or agencies making appointments under this subsection shall file with the Division of the Federal Register for publication in the Federal Register a statement including the name of the appointee, the employing department or agency, the title of his position, and the name of his private employer, and the appointee shall file with such Division for publication in the Federal Register a statement listing the names of any corporations of which he is an officer or director or within sixty days preceding his appointment has been an officer or director, or in which he owns, or within sixty days preceding his appointment has owned, any stocks, bonds, or other financial interests, and the names of any partnerships in which he is, or was within sixty days preceding his appointment, a partner, and the names of any other businesses in which he owns, or within such sixty-day period has owned, any similar interest. At the end of each succeeding six-month period, the appointee shall file with such Division for publication in the Federal Register a statement showing any changes in such interests during such period.

(7) At least once every three months the Chairman of the United States Civil Service Commission shall survey appointments made under this subsection and shall report his findings to the President and the Joint Committee on Defense Production and make such recommendations as he may deem proper.

(8) Persons appointed under the authority of this subsection may be allowed transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment.

(c) The President is authorized, to the extent he deems it necessary and appropriate in order to carry out the provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] to employ experts and consultants or organizations thereof as authorized by section 55a of Title 5. Individuals so employed may be compensated at rates not in excess of $50 per diem and while away from their homes or regular places of business they may be allowed transportation and not to exceed $15 per diem in lieu of subsistence and other expenses while so employed. The President is authorized to provide by regulation for the exemption of such persons from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [now covered by section 207 of Title 18].

(d) The President may utilize the services of Federal, State, and local agencies and may utilize and

establish such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed; and he is authorized to provide by regulation for the exemption of persons whose services are utilized under this subsection from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [now covered by section 207 of Title 18].

(e) The President is further authorized to provide for the establishment and training of a nucleus executive reserve for employment in executive positions in Government during periods of emergency. Members of this executive reserve who are not full-time Government employees may be allowed transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of participating in the executive reserve training program. The President is authorized to provide by regulation for the exemption of such persons who are not full-time Government employees from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [now covered by section 207 of Title 18].

(f) Whoever, being an officer or employee of the United States or any department or agency thereof (including any Member of the Senate or House of Representatives), receives, by virtue of his office or employment, confidential information, and (1) uses such information in speculating directly or indirectly on any commodity exchange, or (2) discloses such information for the purpose of aiding any other person so to speculate, shall be fined not more than $10,000 or imprisoned not more than one year, or both. As used in this section, the term "speculate" shall not include a legitimate hedging transaction, or a purchase or sale which is accompanied by actual delivery of the commodity.

(g) The President, when he deems such action necessary, may make provision for the printing and distribution of reports, in such number and in such manner as he deems appropriate, concerning the actions taken to carry out the objectives of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix]. (Sept. 8, 1950, ch. 932, title VII, § 710, 64 Stat. 819; July 31, 1951, ch. 275, title I, § 109(f), 65 Stat. 139; June 28, 1955, ch. 189, § 12(c)(1), 69 Stat. 180; Aug. 9, 1955, ch. 655, §§ 7, 8, 69 Stat. 583.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89–348, § 2(11), Nov. 8, 1965, 79 Stat. 1313 modified the provisions of subsection (b)(7) of this section to require annual instead of quarterly submission of the report to the Congress by the Chairman of the United States Civil Service Commission.

REFERENCES IN TEXT

Section 55a of Title 5, referred to in text, is now covered by section 3109 of Title 5, Government Organization and Employees.

Sections 281, 283, 284, 434, and 1914 of Title 18, referred to in text, were repealed by Pub. L. 87–489, § 2, Oct. 23, 1962, 76 Stat. 1126. See sections 203, 205, 207, 208 and 209, respectively of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1955—Subsec. (a). Act June 28, 1955 repealed subsec. (a) which authorized the President to place positions and employ persons temporarily in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949.

Subsec. (b). Act Aug. 9, 1955, § 7, imposed additional restrictions on the employment of persons without compensation by establishing guides to be used by the President, requiring written certification, publication of statements, and a survey of appointments.

Subsec. (e). Act Aug. 9, 1955, § 8 added subsec. (e). Former subsec. (e) redesignated (f).

Subsecs. (f) and (g). Act Aug. 9, 1955, § 8 redesignated former subsecs. (e) and (f) as (f) and (g).

1951—Subsec. (f). Act July 31, 1951 added subsec. (f).

EFFECTIVE DATE OF 1955 AMENDMENTS

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

Amendment of this section by act June 28, 1955, was effective on June 28, 1965.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

CROSS REFERENCES

Mutual security program, employment of persons of outstanding experience and ability for, see section 2386 of Title 22, Foreign Relations and Intercourse.

PROVISIONS FOR APPOINTMENTS AND EXEMPTIONS

Ex. Ord. No. 10182, Nov. 21, 1950, 15 F. R. 8013, as amended by Ex. Ord. No. 10205, Jan. 16, 1951, 16 F. R. 419, which provided for appointments and exemptions, was revoked by Ex. Ord. No. 10647, Nov. 29, 1955, 20 F.R. 8769, set out as a note under this section.

EX. ORD. NO. 10647. EMPLOYMENT AND APPOINTMENT OF PERSONNEL

Ex. Ord. No. 10647, Nov. 29, 1955, 20 F.R. 8769, as amended by Ex. Ord. No. 11355, May 26, 1967, 32 F.R. 7803, provided:

By virtue of the authority vested in me by the Defense Production Act of 1950 (64 Stat. 798), as amended [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix], hereinafter referred to as the Act, it is hereby ordered as follows:

PART I—DELEGATION OF AUTHORITY

SECTION 101 (a) There is hereby delegated to the head of each department or agency to whom functions are delegated or assigned under the Act the authority vested in the President by subsection 710 (b) (1) of the Act [subsection (b) (1) of this section] to employ persons of outstanding experience and ability without compensation. The authority delegated by this subsection shall not be redelegated.

(b) There is hereby further delegated to the head of each such department or agency the authority vested in the President by subsection 710 (c) of the Act [subsection (c) of this section] to employ experts and consultants or organizations thereof. The authority delegated by this subsection shall not be redelegated.

SEC. 102. The head of each department or agency to whom authority is delegated by subsections 101 (a) and 101 (b) of this order shall be guided in the exercise of that authority by the following-described policies:

(a) So far as possible, operations under the Act [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix] shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall, so far as possible, be to advisory or consultative positions only.

(b) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(c) In addition to other requirements imposed by this order, the head of the department or agency involved shall, in the appointment of personnel and in assignment of their duties, take steps to avoid, to as great an extent as possible, any conflict between the Government duties and the private interests of such personnel.

SEC. 103. (a) All persons appointed pursuant to the authority delegated by subsection 101 (a) of this order, or appointed pursuant to the authority delegated by subsection 101 (a) of Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 16, 1951 [revoked by section 306 of this order], and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate, full-time Government officials who are responsible for making policy decisions.

(b) All persons appointed pursuant to the authority delegated by subsection 101 (b) of this order, or appointed pursuant to the authority delegated by subsection 101 (b) of the said Executive Order No. 10182, as amended [revoked by section 306 of this order], and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate persons who are responsible for making policy decisions or who are authorized to make recommendations with respect to policy matters.

PART II—EXEMPTIONS

[Revoked by Ex. Ord. No. 11355, May 26, 1967, 32 F.R. 7803]

PART III—CERTIFICATIONS, STATEMENTS, AND REPORTS

SEC. 301. (a) Appointments made pursuant to the authority delegated by subsection 101 (a) of this order shall be supported by written certification by the head of the employing department or agency:

(1) That the appointment is necessary and appropriate in order to carry out the provisions of the Act [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix];

(2) That the duties of the position to which the appointment is being made require outstanding experience and ability;

(3) That the appointee has the outstanding experience and ability required by the position; and

(4) That the department or agency head has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

(b) The certification required by subsection (a) of this section shall be accompanied by a statement;

(1) Describing the functions under the Act [sections 2061, 2062, 2071—2073, 2091—2094, 2151—2163 and 2164—2168 of this Appendix] which the appointee is expected to perform and his responsibilities and duties in performing such functions;

(2) Showing why the head of the department or agency has concluded that the duties of the position require outstanding experience and ability;

(3) Showing the appointee's experience and accomplishments which justify the conclusion of the head of the department or agency that the employee has outstanding experience and ability; and

(4) Setting forth a summary of the reasons why the head of the department or agency has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

Sec. 302. (a) The heads of the departments or agencies making appointments pursuant to the authority delegated by subsection 101 (a) of this order shall, within thirty days from the date of appointment, file with the Federal Register Division for publication in the Federal Register a statement including:

(1) The name of the appointee;

(2) The name of the employing department or agency;

(3) The title of the appointee's position; and

(4) The name of the appointee's private employer or employers.

(b) All persons appointed pursuant to the authority delegated by subsection 101 (a) of this order shall, within thirty days from the date of the appointment, file with the Federal Register Division for publication in the Federal Register a statement listing:

(1) The names of any corporation of which he is, or within 60 days preceding his appointment has been, an officer or director;

(2) The names of any corporation in which he owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests;

(3) The names of any partnerships in which he is, or within 60 days preceding his appointment has been, a partner; and

(4) The names of any other businesses in which he owns, or within 60 days preceding his appointment has owned, any similar interest.

(c) At the end of each succeeding six-month period, the appointee shall file with the Federal Register Division for publication in the Federal Register a statement showing any changes in such interests during such period.

(d) As used in this section:

(1) The term "owns" or "has owned" refers to any legal or equitable, vested or contingent, interest, however held. The names of corporations, partnerships, or other businesses in which a legal interest is owned by the appointee in a fiduciary capacity shall be listed only when any beneficiary is the spouse, parent, child, brother, or sister of the appointee. The names of corporations, partnerships, or other businesses in which an equitable interest is owned by the appointee shall be listed only when the appointee controls, or participates in the control of, the legal interest. However, the name and nature of the legal interest shall be specified when the appointee owning an equitable interest does not control, or participate in the control of, the legal interest.

(2) The term "other financial interests" includes any direct or indirect interests in the pecuniary profits or contracts of corporations, partnerships, or other businesses, including salaries, commissions, bonuses, options, retirement benefits, severance pay, or like interests, but excludes insurance policies of insurance companies in which the sole interest of the appointee is that policy.

SEC. 303. Persons employed pursuant to the authority delegated by subsection 101 (a) or 101 (b) of this order may be allowed transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment. Persons employed pursuant to the authority delegated by subsection 101 (b) of this order may also be compensated at rates not in excess of $50 per diem.

SEC. 304. All appointments under 710 (b) (1) and 710 (c) of the Act [subsection (b) (1) and (c) of this section] shall be made under the terms of this order. All persons heretofore appointed under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, who are still employed on the date of this order shall comply with this Part, and, upon compliance, shall be deemed for all purposes to have been appointed under this order and to be subject to its provisions, including the provisions of subsections 302 (a) and 302 (b) relating to statements required thereby, except that statements relating to appointments made under subsection 101 (a) of Executive Order No. 10182, as amended [revoked by section 306 of this order], shall be filed within thirty days from the date of this order.

SEC. 305. (a) At least once every twelve months the Chairman of the Civil Service Commission shall survey appointments made under section 710(b)(1) of the Act [subsec. (b) (1) of this section]. Such survey shall include the following:

(1) A determination whether a statement with respect to each person appointed pursuant to subsection 101 (a) of this order has been filed by the head of the department or agency concerned in accordance with the requirements of subsection 302 (a) of this order;

(2) A determination whether each person appointed pursuant to the said subsection 101 (a) has filed a statement in accordance with the requirements of subsection 302 (b) of this order;

(3) A determination whether each person appointed pursuant to subsection 101 (a) of this order who has served six months or more has filed a statement in accordance with the requirements of subsection 302 (c) of this order;

(4) A determination whether a statement with respect to each person appointed pursuant to subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205 [revoked by section 306 of this order], has been filed by the head of the department or agency

concerned in accordance with the requirements of section 304 of this order;

(5) A determination whether each person appointed pursuant to subsection 101 (a) of the said Executive Order No. 10182, as amended [revoked by section 306 of this order], has filed a statement in accordance with the requirements of section 304 of this order; and

(6) An inspection of individual department and agency files to determine whether the certifications and the statements required by subsections 301 (a) and (b), respectively, of this order have been made.

(b) A report of each such survey shall be made by the Chairman of the Civil Service Commission to the President and to the Joint Committee on Defense Production and shall include the following:

(1) A statistical report showing the number of appointments made pursuant to the authority in section 101(a) of this order by each department or agency for the twelve-month period covered, the total number of appointees under that authority serving in advisory or consultative positions, and the number of such appointees who are serving in other than consultative or advisory positions;

(2) A list of the names of all appointees for whom the statements required by section 302 of this order have not been filed, and a list of the names of all appointees for whom the certification required by subsection 301 (a) of this order has not been made; and

(3) Such comments or recommendations as the Chairman of the United States Civil Service Commission may deem proper.

SEC. 306. Executive Order No. 10182 of November 21, 1950, and Executive Order No. 10205 of January 16, 1951 [set out as a note under this section], are hereby revoked.

DWIGHT D. EISENHOWER

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2159, 2161 to 2163, 2164 to 2166, 2182, 2183 of this Appendix; title 22 section 2386.

§ 2161. Appropriations authorized; availability of funds.

There are authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] by the President and such agencies as he may designate or create. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency designated to assist in carrying out this Act [said sections]. Funds so allocated or transferred shall remain available for such period as may be specified in the Acts making such funds available. (Sept. 8, 1950, ch. 932, title VII, § 711, 64 Stat. 820.)

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. ——, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2160, 2162, 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2162. Joint Committee on Defense Production.

(a) There is established a joint congressional committee to be known as the Joint Committee on Defense Production (hereinafter referred to as the committee), to be composed of ten members as follows:

(1) Five members who are members of the Committee on Banking and Currency of the Senate, three from the majority and two from the minority party, to be appointed by the chairman of the committee; and

(2) Five members who are members of the Committee on Banking and Currency of the House of Representatives, three from the majority and two from the minority party, to be appointed by the chairman of the committee.

A vacancy in the membership of the committee shall be filled in the same manner as the original selection. The committee shall elect a chairman and a vice chairman from among its members, one of whom shall be a member of the Senate and the other a member of the House of Representatives.

(b) It shall be the function of the Committee to make a continuous study of the programs and of the fairness to consumers of the prices authorized by this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] and to review the progress achieved in the execution and administration thereof. Upon request, the committee shall aid the standing committees of the Congress having legislative jurisdiction over any part of the programs authorized by this Act [said sections]; and it shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. Any department, official, or agency administering any of such programs shall, at the request of the committee, consult with the committee, from time to time, with respect to their activities under this Act [said sections].

(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require by subpena (to be issued under the signature of the chairman or vice chairman of the committee) or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 40 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes [sections 192 to 194 of Title 2] shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(d) The committee is authorized to appoint and, without regard to the Classification Act of 1949, as

amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable.

(e) The expenses of the committee under this section, which shall not exceed $100,000 in any fiscal year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the Chairman or Vice Chairman.

(f) The Secretary of Commerce shall make a special investigation and study of the production, allocation, distribution, use of nickel, of its resale as scrap, and of other aspects of the current situation with respect to supply and marketing of nickel, with particular attention to, among other things, the adequacy of the present system of nickel allocation between defense and civilian users. The Secretary of Commerce shall consult with the Joint Committee on Defense Production during the course of such investigation and study with respect to the progress achieved and the results of the investigation and study, and shall make an interim report on the results of the investigation and study on or before August 15, 1956, and shall, on or before December 31, 1956, make a final report on the results of such investigation and study, together with such recommendations as the Secretary of Commerce deems advisable. Such reports shall be made to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House of Representatives if the House is not in session). (Sept. 8, 1950, ch. 932, title VII, § 712, 64 Stat. 820; June 30, 1952, ch. 530, title I, § 119; 66 Stat. 306; Aug. 9, 1955, ch. 655, § 9, 69 Stat. 583; June 29, 1956, ch. 474, §§ 3, 5, 70 Stat. 408; June 30, 1966, Pub. L. 89–482, § 2, 80 Stat. 235; July 1, 1968, Pub. L. 90–370, § 2, 82 Stat. 279.)

REFERENCES IN TEXT

The Classification Act of 1949, as amended, referred to in subsec. (d), is now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1968—Subsec. (e). Pub. L. 90–370 substituted "$100,000" for "$85,000".

1966—Subsec. (e). Pub. L. 89–482 substituted $85,000 for $65,000 as the upper limit for committee expenses in any fiscal year payable from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman.

1956—Subsec. (e). Act June 29, 1956, § 5, required payment of expenses from the contingent fund of the House of Representatives instead of one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, and eliminated provisions which prescribed the manner of making disbursements to pay such expenses.

Subsec. (f). Act June 29, 1956, § 3 added subsec. (f).

1955—Subsec. (c). Act Aug. 9, 1955, § 9(1), increased the cost of stenographic services to not more than 40 cents per hundred words.

Subsec. (e). Act Aug. 9, 1955, § 9(2), increased the expenses of the committee from $50,000 to $65,000 in any fiscal year.

1952—Subsec. (b). Act June 30, 1952 inserted in first sentence "and of fairness to consumers of the prices."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act June 29, 1956, which amended subsec. (e) of this section, provided in part that the amendment of subsec. (e) shall be effective July 1, 1956.

EFFECTIVE DATE OF

Amendment of this secti fective as of the close of Ju act Aug. 9, 1955, set out a of this Appendix.

TERMINA

Termination of this sectio tion 2166(a) of this Append

SECTION REFERRED TO

This section is referred to 2151 to 2161, 2163, 2164 to 216

§ 2163. Territorial applicati

The provisions of this 2071 to 2073, 2091 to 2094 2168 of this Appendix] s United States, its Territori District of Columbia. (Sep § 713, 64 Stat. 821.)

TERMINAT

Termination of these sec section 2166(a) of this Appe

SECTION REFERRED TO

This section is referred to 2151 to 2162, 2164 to 2166, 218

§ 2163a. Small Defense Pl

CODIFI

Section, act Sept. 8, 1950, added July 31, 1951, ch. 27 139, and amended June 30, 1 66 Stat. 306; June 30, 1953, created the Small Defense related generally to encour business concerns with res It terminated on July 31, 1 2166(a) of this Appendix. P aid to small business are c Title 15, Commerce and Trad

TRANSFER OF

Functions under former se as transferred to Small Bus Ord. No. 10504, Dec. 1, 1953, 1 under section 641 of Title 1

Ex. Ord. No 10323, Feb 5, 1 from the Department of Con Plants Administration certai

REVOLVING FUND

H. J. Res. July 16, 1953, cl vided in part that "The rev der said Administration sha July 31, 1953, for payment of under contracts entered into

§ 2164. Separability of provi

If any provision of this 2071 to 2073, 2091 to 2094, 2168 of this Appendix] or t vision to any person or ci invalid, the remainder of t the application of such p cumstances other than th invalid, shall not be aff 1950, ch. 932, title VII, § 71 821; renumbered July 3 § 110(b), 65 Stat. 144.)

TERMINAT

Termination of this sectio tion 2166(a) of this Appendi

SECTION REFERRED TO

This section is referred to 2151 to 2163, 2165, 2166, 2182,

ersons disqualified for employment; penalties.
son may be employed under this Act [sec-
1, 2062, 2071 to 2073, 2091 to 2094, 2151 to
2164 to 2168 of this Appendix] who engages
ke against the Government of the United
who is a member of an organization of
ent employees that asserts the right to
ainst the Government of the United States,
advocates, or who is a member of an or-
n that advocates, the overthrow of the
ent of the United States by force or vio-
rovided, That for the purposes hereof an
shall be considered prima facie evidence
person making the affidavit has not contrary
ovisions of this section engaged in a strike
he Government of the United States, is not
er of an organization of Government em-
hat asserts the right to strike against the
ent of the United States or that such per-
not advocate, and is not a member of an
tion that advocates, the overthrow of the
ent of the United States by force or vio-
rovided further, That any person who en-
a strike against the Government of the
tates or who is a member of an organization
nment employees that asserts the right to
ainst the Government of the United States,
dvocates, or who is a member of an organi-
hat advocates, the overthrow of the Gov-
of the United States by force or violence
epts employment the salary or wages for
e paid from any appropriation or fund con-
this Act [said sections] shall be guilty of a
d, upon conviction, shall be fined not more
00 or imprisoned for not more than one
both: *Provided further,* That the above
clause shall be in addition to, and not in sub-
for, any other provisions of existing law.
1950, ch. 932, title VII, § 716, formerly
Stat. 821, renumbered July 31, 1951, ch.
I, § 110(b), 65 Stat. 144.)

TERMINATION DATE

ation of this section on June 30, 1972, see sec-
(a) of this Appendix.

CROSS REFERENCES

s punishable by imprisonment not exceeding
classified as misdemeanors, see section 1 of
Crimes and Criminal Procedure.

ECTION REFERRED TO IN OTHER SECTIONS

ction is referred to in sections 2061, 2072, 2093,
3, 2164, 2166, 2182, 2183 of this Appendix.

ermination of Act.

tle I (except section 104), title III, and title
ept sections 714 and 719) of this Act [section
2073, 2091 to 2094, 2151 to 2163, and 2164 to
this Appendix], and all authority conferred
der, shall terminate at the close of June 30,
ction 714 of this Act [section 2163a of this
x], and all authority conferred thereunder,
rminate at the close of July 31, 1953. Section
II, and title VI of this Act [section 2074, 2081
2 to 2137 of this Appendix], and all authority
d thereunder, shall terminate at the close of
1953. Titles IV and V of this Act [sections
2112 and 2121 to 2123 of this Appendix], and all authority conferred thereunder, shall terminate at the close of April 30, 1953.

(b) Notwithstanding the foregoing—

(1) The Congress by concurrent resolution or the President by proclamation may terminate this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] prior to the termination otherwise provided therefor.

(2) The Congress may also provide by concurrent resolution that any section of this Act [said sections] and all authority conferred thereunder shall terminate prior to the termination otherwise provided therefor.

(3) Any agency created under this Act [said sections] may be continued in existence for purposes of liquidation for not to exceed six months after the termination of the provision authorizing the creation of such agency.

(c) The termination of any section of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], or of any agency or corporation utilized under this Act [said section], shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment or other obligation entered into pursuant to this Act [said sections] prior to the date of such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Act [said sections], or the taking of any action (including the making of new guarantees) deemed by a guaranteeing agency to be necessary to accomplish the orderly liquidation, adjustment or settlement of any loans guaranteed under this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], including actions deemed necessary to avoid undue hardship to borrowers in reconverting to normal civilian production; and all of the authority granted to the President, guaranteeing agencies, and fiscal agents, under section 301 of this Act [section 2091 of this Appendix] shall be applicable to actions taken pursuant to the authority contained in this subsection.

Notwithstanding any other provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], the termination of title VI [sections 2132 to 2137 of this Appendix] or any section thereof shall not be construed as affecting any obligation, condition, liability, or restriction arising out of any agreement heretofore entered into pursuant to, or under the authority of, section 602 or section 605 of this Act [former section 2132 or 2135 of this Appendix], or any issuance thereunder, by any person or corporation and the Federal Government or any agency thereof relating to the provision of housing for defense workers or military personnel in an area designated as a critical defense housing area pursuant to law.

(d) No action for the recovery of any cooperative payment made to a cooperative association by a Market Administrator under an invalid provision of a milk marketing order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing

amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable.

(e) The expenses of the committee under this section, which shall not exceed $100,000 in any fiscal year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the Chairman or Vice Chairman.

(f) The Secretary of Commerce shall make a special investigation and study of the production, allocation, distribution, use of nickel, of its resale as scrap, and of other aspects of the current situation with respect to supply and marketing of nickel, with particular attention to, among other things, the adequacy of the present system of nickel allocation between defense and civilian users. The Secretary of Commerce shall consult with the Joint Committee on Defense Production during the course of such investigation and study with respect to the progress achieved and the results of the investigation and study, and shall make an interim report on the results of the investigation and study on or before August 15, 1956, and shall, on or before December 31, 1956, make a final report on the results of such investigation and study, together with such recommendations as the Secretary of Commerce deems advisable. Such reports shall be made to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House of Representatives if the House is not in session). (Sept. 8, 1950, ch. 932, title VII, § 712, 64 Stat. 820; June 30, 1952, ch. 530, title I, § 119; 66 Stat. 306; Aug. 9, 1955, ch. 655, § 9, 69 Stat. 583; June 29, 1956, ch. 474, §§ 3, 5, 70 Stat. 408; June 30, 1966, Pub. L. 89–482, § 2, 80 Stat. 235; July 1, 1968, Pub. L. 90–370, § 2, 82 Stat. 279.)

REFERENCES IN TEXT

The Classification Act of 1949, as amended, referred to in subsec. (d), is now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1968—Subsec. (e). Pub. L. 90–370 substituted "$100,000" for "$85,000".

1966—Subsec. (e). Pub. L. 89–482 substituted $85,000 for $65,000 as the upper limit for committee expenses in any fiscal year payable from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman.

1956—Subsec. (e). Act June 29, 1956, § 5, required payment of expenses from the contingent fund of the House of Representatives instead of one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, and eliminated provisions which prescribed the manner of making disbursements to pay such expenses.

Subsec. (f). Act June 29, 1956, § 3 added subsec. (f).

1955—Subsec. (c). Act Aug. 9, 1955, § 9(1), increased the cost of stenographic services to not more than 40 cents per hundred words.

Subsec. (e). Act Aug. 9, 1955, § 9(2), increased the expenses of the committee from $50,000 to $65,000 in any fiscal year.

1952—Subsec. (b). Act June 30, 1952 inserted in first sentence "and of fairness to consumers of the prices."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act June 29, 1956, which amended subsec. (e) of this section, provided in part that the amendment of subsec. (e) shall be effective July 1, 1956.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2161, 2163, 2164 to 2168, 2182, 2183 of this Appendix.

§ 2163. Territorial application of Act.

The provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] shall be applicable to the United States, its Territories and possessions, and the District of Columbia. (Sept. 8, 1950, ch. 932, title VII, § 713, 64 Stat. 821.)

TERMINATION DATE

Termination of these sections on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2162, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2163a. Small Defense Plants Administration.

CODIFICATION

Section, act Sept. 8, 1950, ch. 932, title VII, § 714, as added July 31, 1951, ch. 275, title I, § 110(a) 65 Stat. 139, and amended June 30, 1952, ch. 530, title I, § 121(a) 66 Stat. 306; June 30, 1953, ch. 171, § 10, 67 Stat. 131, created the Small Defense Plants Administration, and related generally to encouragement and aid to small-business concerns with respect to defense production. It terminated on July 31, 1953 by the terms of section 2166(a) of this Appendix. Present provisions relating to aid to small business are contained in chapter 14A of Title 15, Commerce and Trade.

TRANSFER OF FUNCTIONS

Functions under former section 2163a of this Appendix as transferred to Small Business Administrator, see Ex. Ord. No. 10504, Dec. 1, 1953, 18 F.R. 7667, set out as a note under section 641 of Title 15, Commerce and Trade.

Ex. Ord. No 10323, Feb 5, 1952, 17 F.R. 1145, transferred from the Department of Commerce to the Small Defense Plants Administration certain functions relating to aid.

REVOLVING FUND CONTINUATION

H. J. Res. July 16, 1953, ch. 204, § 1, 67 Stat. 176 provided in part that "The revolving fund established under said Administration shall remain available through July 31, 1953, for payment of obligations and direct costs under contracts entered into during the fiscal year 1953."

§ 2164. Separability of provisions.

If any provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [said sections], and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. (Sept. 8, 1950, ch. 932, title VII, § 715, formerly § 714, 64 Stat. 821; renumbered July 31, 1951, ch. 275, title I, § 110(b), 65 Stat. 144.)

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2165, 2166, 2182, 2183 of this Appendix.

§ 2165. Persons disqualified for employment; penalties.

No person may be employed under this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided,* That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further,* That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act [said sections] shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law. (Sept. 8, 1950, ch. 932, title VII, § 716, formerly § 715, 64 Stat. 821, renumbered July 31, 1951, ch. 275, title I, § 110(b), 65 Stat. 144.)

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

CROSS REFERENCES

Offenses punishable by imprisonment not exceeding one year classified as misdemeanors, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164, 2166, 2182, 2183 of this Appendix.

§ 2166. Termination of Act.

(a) Title I (except section 104), title III, and title VII (except sections 714 and 719) of this Act [section 2071 to 2073, 2091 to 2094, 2151 to 2163, and 2164 to 2168 of this Appendix], and all authority conferred thereunder, shall terminate at the close of June 30, 1972. Section 714 of this Act [section 2163a of this Appendix], and all authority conferred thereunder, shall terminate at the close of July 31, 1953. Section 104, title II, and title VI of this Act [section 2074, 2081 and 2132 to 2137 of this Appendix], and all authority conferred thereunder, shall terminate at the close of June 30, 1953. Titles IV and V of this Act [sections 2101 to 2112 and 2121 to 2123 of this Appendix], and all authority conferred thereunder, shall terminate at the close of April 30, 1953.

(b) Notwithstanding the foregoing—

(1) The Congress by concurrent resolution or the President by proclamation may terminate this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] prior to the termination otherwise provided therefor.

(2) The Congress may also provide by concurrent resolution that any section of this Act [said sections] and all authority conferred thereunder shall terminate prior to the termination otherwise provided therefor.

(3) Any agency created under this Act [said sections] may be continued in existence for purposes of liquidation for not to exceed six months after the termination of the provision authorizing the creation of such agency.

(c) The termination of any section of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], or of any agency or corporation utilized under this Act [said section], shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment or other obligation entered into pursuant to this Act [said sections] prior to the date of such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Act [said sections], or the taking of any action (including the making of new guarantees) deemed by a guaranteeing agency to be necessary to accomplish the orderly liquidation, adjustment or settlement of any loans guaranteed under this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], including actions deemed necessary to avoid undue hardship to borrowers in reconverting to normal civilian production; and all of the authority granted to the President, guaranteeing agencies, and fiscal agents, under section 301 of this Act [section 2091 of this Appendix] shall be applicable to actions taken pursuant to the authority contained in this subsection.

Notwithstanding any other provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], the termination of title VI [sections 2132 to 2137 of this Appendix] or any section thereof shall not be construed as affecting any obligation, condition, liability, or restriction arising out of any agreement heretofore entered into pursuant to, or under the authority of, section 602 or section 605 of this Act [former section 2132 or 2135 of this Appendix], or any issuance thereunder, by any person or corporation and the Federal Government or any agency thereof relating to the provision of housing for defense workers or military personnel in an area designated as a critical defense housing area pursuant to law.

(d) No action for the recovery of any cooperative payment made to a cooperative association by a Market Administrator under an invalid provision of a milk marketing order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing

Agreement Act of 1937 shall be maintained unless such action is brought by producers specifically named as party plaintiffs to recover their respective share of such payments within ninety days after the date of enactment of the Defense Production Act Amendments of 1952 [June 30, 1952] with respect to any cause of action heretofore accrued and not otherwise barred, or within ninety days after accrual with respect to future payments, and unless each claimant shall allege and prove (1) that he objected at the hearing to the provisions of the order under which such payments were made and (2) that he either refused to accept payments computed with such deduction or accepted them under protest to either the Secretary or the Administrator. The district courts of the United States shall have exclusive original jurisdiction of all such actions regardless of the amount involved. This subsection shall not apply to funds held in escrow pursuant to court order. Notwithstanding any other provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], no termination date shall be applicable to this subsection. (Sept. 8, 1950, ch. 932, title VII, § 717, formerly § 716, 64 Stat. 822; June 30, 1951, ch. 198, § 1, 65 Stat. 110; renumbered July 31, 1951, 7:00 p.m., E.D.T., ch. 275, title I, §§ 110(b), 111, 65 Stat. 144; June 30, 1952, ch. 530, title I, §§ 120, 121(b), 66 Stat. 306; June 30, 1953, ch. 170, § 20, 67 Stat. 126; June 30, 1953, ch. 171, §§ 11, 12, 67 Stat. 131; June 30, 1955, ch. 251, § 5, 69 Stat. 225; Aug. 9, 1955, ch. 655, § 10, 69 Stat. 583; June 29, 1956, ch. 474, § 1, 70 Stat. 408; June 28, 1958, Pub. L. 85-471, 72 Stat. 241; June 30, 1960, Pub. L. 86-560, § 1, 74 Stat. 282; June 28, 1962, Pub. L. 87-505, 76 Stat. 112; June 30, 1964, Pub. L. 88-343, § 1, 78 Stat. 235; June 30, 1966, Pub. L. 89-482, § 1, 80 Stat. 235; July 1, 1968, Pub. L. 90-370, § 1, 82 Stat. 279; June 30, 1970, Pub. L. 91-300, 84 Stat. 367; Aug. 1, 1970, Pub. L. 91-371, 84 Stat. 694; Aug. 15, 1970, Pub. L. 91-379, title I, § 101, 84 Stat. 796.)

REFERENCES IN TEXT

The Agricultural Marketing Agreement Act of 1937, referred to in subsec. (d), is classified to sections 601, 601 note, 602, 608a, 608b, 608c, 608d, 610, 612, 614, 624 and 671—674 of Title 7, Agriculture.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-379 substituted "June 30, 1972" for "August 15, 1970" and "sections 714 and 719" for "section 714".

Pub. L. 91-371 extended the termination date from July 30, 1970, to August 15, 1970.

Pub. L. 91-300 extended the termination date from June 30, 1970, to July 30, 1970.

1968—Subsec. (a). Pub. L. 90-370 extended the termination date from June 30, 1968 to June 30, 1970.

1966—Subsec. (a). Pub. L. 89-482 extended the termination date from June 30, 1966 to June 30, 1968.

1964—Subsec. (a). Pub. L. 88-343 extended the termination date from June 30, 1964 to June 30, 1966.

1962—Subsec. (a). Pub. L. 87-505 extended the termination date from June 30, 1962, to June 30, 1964.

1960—Subsec. (a). Pub. L. 86-560 extended the termination date from June 30, 1960, to June 30, 1962.

1958—Subsec. (a). Pub. L. 85-471 extended the termination date from June 30, 1958, to June 30, 1960.

1956—Subsec. (a). Act June 29, 1956 extended the termination date from June 30, 1956, to June 30. 1958.

1955—Subsec. (a). Act Aug. 9, 1955 extended the termination date from July 31, 1955, to June 30, 1956.

Subsec. (a). Act June 30, 1955 extended the termination date from June 30, 1955, to July 31, 1955.

1953—Subsec. (a). Act June 30, 1953, § 11 changed termination dates as follows: (1) Title I except section 2074 of this Appendix, from June 30, 1953, to June 30, 1955; (2) Title III, from June 30, 1953, to June 30, 1955; Title VII (except section 2163a of this Appendix), from June 30, 1953 to June 30, 1955.

Subsec. (c). Act June 30, 1953, ch. 171, § 12, inserted "or the taking of any action * * * authority contained in this subsection".

Subsec. (c). Act June 30, 1953, ch. 170, added second par.

1952—Subsec. (a). Act June 30, 1952, § 121(b) extended the termination dates from Apr. 30, 1952 to Apr. 30, 1953 and from June 30, 1952 to June 30, 1953.

Subsec. (d). Act June 30, 1952, § 120 added subsec. (d).

1951—Subsec. (a). Acts July 31, 1951, § 111, and June 30, 1951. Act July 31, 1951 struck out former subsec. (a) relating to termination of certain Titles of act Sept. 8, 1950 and substituted present subsec. (a). Act June 30, 1951, extended termination date from June 30, 1951 to July 31, 1951.

Subsec. (b). Act July 31, 1951 redesignated former subsec. (c) as (b) and struck out former subsec. (b), which related to termination date of certain Titles of act Sept. 8, 1950. Former subsec. (b) was amended by act June 30, 1951 to extend termination date from June 30, 1951, to July 31, 1951.

Subsec. (c). Act July 31, 1951, § 111 redesignated former subsec. (d) as (c).

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2062 of this Appendix.

CROSS REFERENCES

Effect of termination of act on actions or prosecutions based on rights or liabilities arising prior to termination. see section 2156 (b) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164, 2165, 2182, 2183 of this Appendix.

§ 2167. Feasibility study of application of uniform cost accounting standards to defense procurement contracts; consultations; reports.

The Comptroller General, in cooperation with the Secretary of Defense and the Director of the Bureau of the Budget, shall undertake a study to determine the feasibility of applying uniform cost accounting standards to be used in all negotiated prime contract and subcontract defense procurements of $100,000 or more. In carrying out such study the Comptroller General shall consult with representatives of the accounting profession and with representatives of that segment of American industry which is actively engaged in defense contracting. The results of such study shall be reported to the Committees on Banking and Currency and the Committees on Armed Services of the Senate and House of Representatives at the earliest practicable date, but in no event later than eighteen months after the date of enactment of this section [July 1, 1968]. (Sept. 8, 1950, ch. 932, title VII, § 718, as added July 1, 1968, Pub. L. 90-370, § 3, 82 Stat. 279.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2168. Cost Accounting Standards Board.

(a) Formation; Comptroller General as chairman; experience of Board members; terms of office; vacancies; compensation of Board members appointed from private life.

There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be

independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule [section 5315 of Title 5] for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

(b) Appointment and compensation of staff members.

The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively [sections 5315 and 5316 of Title 5].

(c) Appointment and compensation of other necessary personnel.

The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

(d) Utilization of personnel from Federal agencies or private life.

The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

(e) Compensation of Board members and other personnel from Federal agencies; compensation of appointees from private life; travel expenses for personnel serving on an intermittent basis.

Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule [section 5316 of Title 5] for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

(f) Cooperation between Board and other Federal departments and agencies.

All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

(g) Promulgation of cost accounting standards; use of standards by defense contractors and relevant Federal agencies; conditions for use of standards.

The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

(h) Implementation of cost accounting standards; cost accounting disclosure by defense contractors as a condition of contract; mandatory price adjustment clause in contract, with interest, for any increased costs due to contractor's failure to follow cost accounting standards; maximum rate and duration of interest; contract dispute; exemptions; effective date of proposed standards and regulations.

(1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest

shall not exceed 7 per centum per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

(2) The Board is authorized, as soon as practicable after the date of enactment of this section [Aug. 15, 1970], to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

(3) Cost-accounting standards promulgated under subsection (g) and rules and regulations prescribed under this subsection shall take effect not earlier than the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed standards, rules, or regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed standards, rules, or regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day to a day certain or an adjournment of Congress sine die. The provisions of this paragraph do not apply to modifications of cost accounting standards, rules, or regulations which have become effective in conformity with those provisions.

(i) Publication in Federal Register of cost accounting standards and regulations; submission and consideration of views and comments by interested parties; standards, regulations and modifications thereof as having full force and effect of law; effective date; exclusion of functions exercised from operation of specified laws; exemptions.

(A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, including a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full consideration of the views and comments so submitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications thereof which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

(B) The functions exercised under this section are excluded from the operation of sections 551, 553–559, and 701–706 of title 5, United States Code.

(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h)(2).

(j) Determination of compliance with cost accounting standards; right of authorized person to examine and copy relevant records of contractor.

For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

(k) Reports to Congress by Board.

The Board shall report to the Congres, not later than twenty-four months after the date of enactment of this section [Aug. 15, 1970], concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

(l) Authorization of appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. (Sept. 8, 1950, ch. 932, title VII, § 719, as added Aug. 15, 1970, Pub. L. 91–379, title I, § 103, 84 Stat. 796.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2164 to 2168, 2182, 2183 of this Appendix.

DOMESTIC MINERALS PROGRAM EXTENSION ACT AUG. 7, 1953, CH. 339, 67 STAT. 417

Sec.
2181. Congressional declaration of policy.
2182. Extension of termination dates of mineral purchase programs.
2183. Quarterly ore reports to purchase program producers.

§ 2181. Congressional declaration of policy.

It is recognized that the continued dependence on overseas sources of supply for strategic or critical minerals and metals during periods of threatening world conflict or of political instability within those nations controlling the sources of supply of such materials gravely endangers the present and future economy and security of the United States. It is therefore declared to be the policy of the Congress that each department and agency of the Federal Government charged with responsibilities concerning the discovery, development, production, and acquisition of strategic or critical minerals and metals shall undertake to decrease further and to eliminate where possible the dependency of the United States on overseas sources of supply of each such material. (Aug. 7, 1953, ch. 339, § 2, 67 Stat. 417.)

SHORT TITLE

Section 1 of act Aug. 7, 1953, provided that act Aug. 7, 1953, which in enacting sections 2181—2183 of this Appendix should be popularly known as the "Domestic Minerals Program Extension Act of 1953".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2182 of this Appendix.

§ 2182. Extension of termination dates of mineral purchase programs.

In accordance with the declaration of policy set forth in section 2 of this Act [section 2181 of this Appendix], the termination dates of all purchase programs designed to stimulate the domestic production of tungsten, manganese, chromite, mica, asbestos, beryl, and columbium-tantalum-bearing ores and concentrates and established by regulations issued pursuant to the Defense Production Act of 1950, as amended [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix], shall be extended an additional two years: *Provided,* That this section is not intended and shall not be construed to limit or restrict the regulatory agencies from extending the termination dates of these programs beyond the two-year extension periods provided by this section or from increasing the quantity of materials that may be delivered and accepted under these programs as permitted by existing statutory authority: *Provided further,* That the extended termination date provided by this section for the columbium-tantalum purchase program shall not apply to the purchase of columbium-tantalum-bearing ores and concentrates of foreign origin. (Aug. 7, 1953, ch. 339, § 3, 67 Stat. 417.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this Appendix.

§ 2183. Quarterly ore reports to purchase program producers.

In order that those persons who produce or who plan to produce under purchase programs established pursuant to Public Law 774 (Eighty-first Congress) and Public Law 96 (Eighty-second Congress) [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] may be in position to plan their investment and production with due regard to requirements, the responsible agencies controlling such purchase programs are directed to publish at the end of each calendar quarter the amounts of each of the ores and concentrates referred to in section 3 [section 2182 of this Appendix] purchased in that quarter and the total amounts of each which have been purchased under the program. (Aug. 7, 1953, ch. 339, § 4, 67 Stat. 417.)

DOMESTIC TUNGSTEN, ASBESTOS, FLUORSPAR AND COLUMBIUM-TANTALUM PURCHASE PROGRAMS

ACT JULY 19, 1956, CH. 638, 70 STAT. 579

§§ 2191 to 2195. Omitted.

Sections, act July 19, 1956, ch. 638, §§ 2—6, 70 Stat. 579, 580, authorized domestic tungsten, asbestos, fluorspar and columbium-tantalum purchase programs and required the programs to terminate on December 31, 1958.

DEPENDENTS ASSISTANCE ACT OF 1950

ACT SEPT. 8, 1950, CH. 922, 64 STAT. 794

Sec.
2201. Determination of dependency of parents.
2202. Dependents of enlisted members in grades E-4 to E-1.
2203. Quarters allowances for enlisted members.
2204. Quarters allowances and allotments of pay.
2205. Quarters allowance not contingent on right to pay.
2206. Allowance and allotment without consent of enlisted member.
2207. Enlisted members not affected by Act.
2208. Aviation cadets.
2209. Members furnished government quarters.
2210. Regulations; determinations and waivers; delegation of authority.
2211. Conclusiveness of determinations and waivers; modification; waiver of erroneous payments.
2212. Accounts of disbursing officers making erroneous payments.
2213. Erroneous payments under Servicemen's Dependents Act of 1942.
2213a. Penalty for fraudulent acceptance of benefits.
2214. Discharge for hardship.
2215. Effective date of Act.
2216. Termination of Act.

§ 2201. Determination of dependency of parents.

For the duration of this Act [sections 2201 to 2216 of this Appendix], that part of section 401(3) of Title 37 which reads "and actually resides in the member's household" is suspended: *Provided,* That the dependency of the father or mother as required by that section shall be determined on the basis of an affidavit submitted by such father or mother, and such other evidence as the Secretary concerned may deem necessary under such regulations as he may prescribe, and no such father or mother shall be deemed dependent unless—

(1) the member of the uniformed service claiming such dependency has provided over one-half of the support of such father or mother for such period of time as the Secretary concerned may prescribe; or

(2) in the case of claimed dependency arising by reason of changed circumstances after the entrance of such member into active service subsequent to the effective date of this Act, such father or mother becomes in fact dependent on such member for over one-half of his or her support.

(Sept. 8, 1950, ch. 922, § 1, 64 Stat. 794; Sept. 7, 1962, Pub. L. 87-649, § 10, 76 Stat. 496.)

AMENDMENTS

1962—Pub. L. 87-649 substituted provisions suspending part of section 401(3) of title 37 for provisions which suspended part of the second sentence of section 102(g) of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress).

EFFECTIVE DATE OF 1962 AMENDMENTS

Amendment of section by Pub. L. 87-649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE

Effective date and termination of act Sept. 8, 1950, see sections 2215 and 2216 of this Appendix.

SHORT TITLE

Section 17 of act Sept. 8, 1950, which is classified to sections 2201—2216 of this Appendix, provided that it may be cited as the "Dependents Assistance Act of 1950".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2202. Dependents of enlisted members in grades E-4 to E-1.

For the duration of this Act [sections 2201 to 2216 of this Appendix] in last sentence of section 403(a) of Title 37 is suspended. (Sept. 8, 1950, ch. 922, § 2, 64 Stat. 795; Sept. 7, 1962, Pub. L. 87-649, § 10, 76 Stat. 496.)

AMENDMENTS

1962—Pub. L. 87-649 substituted "the last sentence of section 403(a) of title 37" for "the proviso in section 302(a) of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress)."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87-649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2203. Quarters allowances for enlisted members.

For the duration of this Act [sections 2201 to 2216 of this Appendix] section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in place thereof the following new table:

Pay grade	Without dependents	1 dependent	2 dependents	3 or more dependents
E-4 (4 years or less service)	$60.00	$90.60	$90.60	$105.00
E-3	60.00	60.00	90.60	105.00
E-2	60.00	60.00	90.60	105.00
E-1	60.00	60.00	90.60	105.00

(Sept. 8, 1950, ch. 922, § 3, 64 Stat. 795; July 10, 1962, Pub. L. 89-731, § 4(1), 76 Stat. 153; Sept. 7, 1962, Pub. L. 87-649, § 10, 76 Stat. 451; Dec. 16, 1967, Pub. L. 90-207, § 4, 81 Stat. 654.)

AMENDMENTS

1967—Pub. L. 90-207 substituted the new table prescribing monthly basic allowances for quarters for enlisted members in pay grades E-1 through E-4 (four years or less service), for former table which read as follows:

"Pay grade	Not over 2 dependents	Over 2 dependents
E-9	$77.10	$96.90
E-8	77.10	96.90
E-7	77.10	96.90
E-6	77.10	96.90
E-5	77.10	96.90
E-4	77.10	96.90

"Pay grade	1 dependent	2 dependents	Over 2 dependents
E-3	$51.30	$77.10	$96.90
E-2	51.30	77.10	96.90
E-1	51.30	77.10	96.90"

1962—Pub. L. 87-649 substituted the new table prescribing monthly basic allowances for quarters for enlisted members for former table which read as follows:

"Pay grade	Without dependents	1 dependent	2 dependents	3 or more dependents
E-4 (4 years or less service)	$55.20	$83.10	$83.10	$105.00
E-3	55.20	55.20	83.10	105.00
E-2	55.20	55.20	83.10	105.00
E-1	55.20	55.20	83.10	105.00"

Pub. L. 87-531 substituted the new table prescribing monthly basic allowance for quarters for enlisted members, E-4 (4 years or less service) to E-1, for former table which read as follows:

	"Not over 2 dependents	Over 2 dependents
E-7	$67.50	$85
E-6	67.50	85
E-5	67.50	85
E-4	67.50	85

	1 dependent	2 dependents	Over 2 dependents
E-3	$45	$67.50	$85
E-2	45	67.50	85
E-1	45	67.50	85"

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 7 of Pub. L. 87-531 provided that: "This Act [amending this section and sections 2207 and 2208 of this Appendix, and provisions set out as notes under section 2204 of this Appendix and section 403 of Title 37, Pay and Allowances of the Uniformed Services] becomes effective on January 1, 1963."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2204. Quarters allowances and allotments of pay.

(a) Subject to section 403 of title 37 enlisted members of the uniformed services without dependents shall be entitled to a basic allowance for quarters at the rate of $51.30 per month.

(b) The payment of the basic allowance for quarters provided in section 403(a) of title 37 for enlisted members with dependents shall be made only for such periods as the enlisted member has in effect an allotment of pay not less than the sum of the basic allowance for quarters to which he is entitled plus $40 (or in the case of enlisted members in pay grades E-4 and E-5, $60; or in the case of enlisted members in pay grades E-6, E-7, E-8, and E-9, $80), for the support of the dependent or dependents on whose account the allowance is claimed: *Provided,* That such allotment shall not be required, (1) for the calendar month in which such member enters on active duty in a pay status if the allotment is effective from the following month; (2) for the calendar month in which such member is discharged, if not immediately reenlisted; (3) for the calendar month in which such member is released from active duty; (4) for the calendar month in which dependency ceases; (5) for the calendar month in which dependency commences if the allotment is effective from the following month; (6) for the calendar

month in which such member is assigned to quarters for himself and his dependents or for the calendar month in which such assignment is terminated: *Provided further,* That such allotment may be initiated, continued, modified, or discontinued in accordance with such regulations as may be prescribed by the Secretary of the Department concerned: *And provided further,* That the minimum allotment required for any month shall be based on the lowest rate of basic allowance for quarters to which the member is entitled and the lowest pay grade in which the member is serving during such month.

(c) The allotment required by subsection (b) of this section shall be paid to or on behalf of such dependent or dependents as may be specified by the enlisted member concerned, subject to such regulations as the Secretary concerned may prescribe.

(d) Any delay in initiating an allotment as required by this section shall not invalidate entitlement to basic allowance for quarters, provided that such allotment is made retroactive for such period as the member may elect to claim the allowance for his dependent or dependents. If the Secretary concerned finds that such delay was caused by the exigencies of the service, he may waive the allotment requirement, or the additional increment thereto, as applicable, for such retroactive period.

(e) The entitlement to the basic allowance for quarters provided for in this section shall be substantiated in such manner and in accordance with such regulations as the Secretary concerned may prescribe. (Sept. 8, 1950, ch. 922, § 4, 64 Stat. 795; Sept. 7, 1962, Pub. L. 87–649, § 10, 76 Stat. 496.)

AMENDMENTS

1962—Pub. L. 87–649 amended section generally by eliminating provisions which directed that subsecs. (g)—(k) be added to section 302 of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress), redesignating such subsecs. (g)—(k) as subsecs. (a)—(e) of this section, and substituting therein references to section 403 of title 37 for section 302 of the act of October 12, 1949.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87–649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

REQUIREMENT OF ALLOTMENT OF PAY BY ENLISTED MEMBERS

Section 302(h) of act Oct. 12, 1949, ch. 681, title III, 63 Stat. 812, as amended by Pub. L. 87–531, § 3, July 10, 1962, 76 Stat. 152, provided that:

"The payment of the basic allowance for quarters provided in section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) for enlisted members with dependents in pay grades E–1, E–2, E–3, and E–4 (four years' or less service shall be made only for such period as the enlisted member has in effect an allotment of pay not less than the sum of the basic allowance for quarters to which he is entitled plus $40, for the support of the dependent or dependents on whose account the allowance is claimed: *Provided,* That such allotment shall not be required, (1) for the calendar month in which such member enters on active duty in a pay status if the allotment is effective from the following month; (2) for the calendar month in which such member is discharged, if not immediately reenlisted; (3) for the calendar month in which such member is released from active duty; (4) for the calendar month in which dependency ceases; (5) for the calendar month in which dependency commences if the allotment is effective from the following month; (6) for the calendar month in which such member is assigned to quarters for himself and his dependents or for the calendar month in which such assignment is transferred; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States under section 316, 503, 504, or 505 of Title 32) if that training is for a period of thirty days or more: *Provided further,* That such allotment may be initiated, continued, modified, or discontinued in accordance with such regulations as may be prescribed by the Secretary of the Department concerned: *And provided further,* That the minimum allotment required for any month shall be based on the lowest rate of basic allowance for quarters to which the member is entitled and the lowest pay grade in which the member is serving during such month."

Laws effective after Jan. 9, 1962, that are inconsistent with Pub. L. 87–649, to be considered as superseding Pub. L. 87–649 to the extent of the inconsistency, see section 12(a) of Pub. L. 87–649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2205. Quarters allowance not contingent on right to pay.

Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay. (Sept. 8, 1950, ch. 922, § 5, 64 Stat. 796.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2206. Allowance and allotment without consent of enlisted member.

The Secretary concerned may, at his discretion, with or without the consent of the enlisted member concerned, authorize and direct the payment of the basic allowance for quarters and the establishment and payment of such allotment or allotments as he shall determine to be in conformity with the provisions of this Act [sections 2201 to 2216 of this Appendix] for any enlisted member with dependents in any case in which such member does not claim such allowance. (Sept. 8, 1950, ch. 922, § 6, 64 Stat. 796.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2207. Enlisted members not affected by Act.

Notwithstanding any other provision of law, the provisions of this Act [sections 2201 to 2216 of this Appendix] shall not apply to enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) on active duty for training for less than 30 days, to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended [section 1013 of this title], or any other enlistment program that requires an initial period of active duty for training, to enlisted men entitled to pay and allowances pursuant to the provisions of section 507 of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress), to any member of the Samoan Native Guard or Band of the Navy, or the Samoan Reserve

Force of the Marine Corps. Such persons shall continue to be entitled to the appropriate allowances prescribed by the Act of October 12, 1949 (Public Law 351, Eighty-first Congress) on the day prior to the effective date of this Act [August 1, 1950]. (Sept. 8, 1950, ch. 922, § 7, 64 Stat. 796; July 10, 1962, Pub. L. 87-531, § 4(2), 76 Stat. 153.)

AMENDMENTS

1962—Pub. L. 87-531 substituted "in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) on active duty for training for less than 30 days, to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended, or any other enlistment program that requires an initial period of active duty for training," for "on training duty,".

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-531 effective on Jan. 1, 1963, see section 7 of Pub. L. 87-531, set out as a note under section 252 of Title 37, Pay and Allowances of the Uniformed Services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2208. Aviation cadets.

Personnel enumerated in sections 527 and 528 of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress), with dependents as defined in section 102(g) of said Act, as amended, shall be entitled to a basic allowance for quarters under the conditions and at the rates prescribed for members in pay grade E-4 (over four years' service). (Sept. 8, 1950, ch. 922, § 8, 64 Stat. 796; July 10, 1962, Pub. L. 87-531, § 4(3), 76 Stat. 153.)

AMENDMENTS

1962—Pub. L. 87-531 substituted "Personnel" for "For the purposes of this Act, personnel" and inserted "(over four years' service)" after "pay grade E-4."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-531 effective on Jan. 1, 1963, see section 7 of Pub. L. 87-531, set out as a note under section 252 of Title 37, Pay and Allowances of the Uniformed Services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2209. Members furnished government quarters.

For the duration of this Act [sections 2201 to 2216 of this Appendix], the fourth proviso of section 515 (b) of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress) [section 315 (b) of Title 37], is hereby amended to read as follows:

"*Provided further,* That when a member is furnished Government quarters adequate for himself and his dependents, the total sum saved for him by this subsection shall be reduced at the rate of $45 per month for members in pay grades E-1, E-2, E-3, and E-4 (less than seven years' service), and $67.50 per month for members in pay grades E-4 (seven or more years' service), E-5, E-6, and E-7." (Sept. 8, 1950, ch. 922, § 9, 64 Stat. 796.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2210 to 2212, 2213a to 2216 of this Appendix.

§ 2210. Regulations; determinations and waivers; delegation of authority.

The Secretaries of the Departments concerned are authorized to prescribe such regulations for the administration of this Act [sections 2201 to 2216 of this Appendix] as may be deemed necessary to enable them to carry out the provisions of this Act [said sections] and such regulations shall, as far as practicable, be uniform. All waivers and determinations, including determinations of dependency and relationship shall be made by the Secretary of the Department concerned or such other person or persons as he may designate, and the Secretary of the Department concerned or his designee is authorized to delegate or redelegate such authority: *Provided,* That the authority granted in this section to the several Secretaries of the Departments concerned may by joint agreement be exercised by any one of the Secretaries for any other Department or Departments concerned. (Sept. 8, 1950, ch. 922, § 10, 64 Stat. 796.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209, 2211, 2212, 2213a to 2216 of this Appendix.

§ 2211. Conclusiveness of determinations and waivers; modification; waiver of erroneous payments.

Any determinations or waivers made under this Act [sections 2201 to 2216 of this Appendix] shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government, except for cases involving fraud or gross negligence. The Secretary of the Department concerned may at any time on the basis of new evidence or for other good cause reconsider or modify any such determination, and may waive the recovery of any money erroneously paid under this Act [said sections] whenever he finds that such recovery would be against equity and good conscience. (Sept. 8, 1950, ch. 922, § 11, 64 Stat 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209, 2210, 2212, 2213a to 2216 of this Appendix.

§ 2212. Accounts of disbursing officers making erroneous payments.

The General Accounting Office shall not refuse to allow credit in the accounts of any disbursing officer for any erroneous payment or overpayment made by him in carrying out the provisions of this Act [sections 2201 to 2216 of this Appendix] unless such erroneous payment or overpayment was made by him as the result of his gross negligence or with the intent to defraud the United States, and no recovery shall be made from any officer authorizing any erroneous payment or overpayment under this Act [said sections] unless such payment was authorized by him as the result of his gross negligence or with the intent to defraud the United States. (Sept. 8, 1950, ch. 922, § 12, 64 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209, 2210, 2211, 2213a to 2216 of this Appendix.

§ 2213. Erroneous payments under Servicemen's Dependents Act of 1942.

Notwithstanding the provisions of section 515 (c) of the Career Compensation Act of 1949 [section 315 (c) of Title 37], the Comptroller General, upon the recommendations of the heads of the departments

concerned, or such subordinates as they may designate, and a showing that collection would be against equity and good conscience, may waive indebtednesses growing out of erroneous payments of allowances under the authority of the Servicemen's Dependents Allowance Act of 1942, as amended [former section 201 et seq. of Title 37], and authorize payments based thereon, on applications filed by enlisted and former enlisted members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, or their dependents, and not finally acted upon prior to October 1, 1949: *Provided,* That in cases where no deductions have been made from the pay of enlisted or former enlisted members the allowances paid hereunder may be limited to the amount of the Government's contribution to such allowances: *And provided further,* That appropriations available for current pay of enlisted members of the services concerned shall be available for payments authorized to be made hereunder. (Sept. 8, 1950, ch. 922, § 13, 64 Stat. 797.)

REFERENCES IN TEXT

The Servicemen's Dependents Allowance Act of 1942, as amended, referred to in the catchline and text and formerly classified to chapter 3 of Title 37, Pay and Allowances, was repealed by act Oct. 12, 1949, ch. 681, title V, § 531 (d), 63 Stat. 841, eff. Oct. 1, 1949 and is now covered by section 252 of Title 37.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a to 2216 of this Appendix.

§ 2213a. Penalty for fraudulent acceptance of benefits.

Whoever shall obtain or receive any money, check, allowance, or allotment under this Act [sections 2201 to 2216 of this Appendix], without being entitled thereto and with intent to defraud shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both. (Sept. 8, 1950, ch. 922, § 13a, as added July 24, 1956, ch. 697, 70 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2214 to 2216 of this Appendix.

§ 2214. Discharge for hardship.

The Secretary of the Department concerned shall take cognizance of the provisions of this Act [sections 2201 to 2216 of this Appendix] and shall establish policies, under which enlisted members with dependents may be discharged for hardship. (Sept. 8, 1950, ch. 922, § 14, 64 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a, 2215, 2216 of this Appendix.

§ 2215. Effective date of Act.

This Act [sections 2201 to 2216 of this Appendix] shall be effective from August 1, 1950, except that the allotment requirements of this Act [said sections] shall not be a condition precedent to the entitlement to a basic allowance for quarters prior to the second month following the month in which this Act [said sections] is enacted. (Sept. 8, 1950, ch. 922, § 15, 64 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a, 2214, 2216 of this Appendix.

§ 2216. Termination of Act.

This Act [sections 2201 to 2216 of this Appendix], except sections 10, 11, and 12 hereof [sections 2210, 2211, and 2212 of this Appendix], shall terminate on July 1, 1971. (Sept. 8, 1950, ch. 922, § 64 Stat. 797; Mar. 23, 1953, ch. 8, 67 Stat. 6; June 30, 1955, ch. 250, title I, § 103, 69 Stat. 224; Mar. 23, 1959, Pub. L. 86-4, § 3, 73 Stat. 13; Mar. 28, 1963, Pub. L. 82-2, § 3, 77 Stat. 4; June 30, 1967, Pub. L. 90-40, § 3, 81 Stat. 105.)

AMENDMENTS

1967—Pub. L. 90-40 extended the termination date from July 1, 1967, to July 1, 1971.

1963—Pub. L. 88-2 extended the termination date from July 1, 1963, to July 1, 1967.

1959—Pub. L. 86-4 extended the termination date from July 1, 1959, until July 1, 1963.

1955—Act June 30, 1955, extended the termination date from July 1, 1955, until July 1, 1959.

1953—Act Mar. 23, 1953, extended the termination date from April 30, 1953 until July 1, 1955.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2201, 2202, 2203, 2206, 2209 to 2212, 2213a, 2214, 2215 of this Appendix.

CIVIL DEFENSE

ACT OF JAN. 12, 1951

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ACT JAN. 12, 1951, CH. 1228, 64 STAT. 1245

TITLE I—GENERAL PROVISIONS

§ 2251. Congressional declaration of policy.

It is the sense of the Congress that the defense of the United States, in this thermonuclear age, can best be accomplished by enacting into law the measures set forth in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]. It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack. It is further declared to be the policy and intent of the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government shall provide necessary direction, coordination, and guidance; shall be responsible for the operation of the Federal Civil Defense Administration as set forth in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]; and shall provide necessary assistance as herein authorized. (Jan. 12, 1951, ch. 1228, § 2, 64 Stat. 1246; Aug. 8, 1958, Pub. L. 85-606, § 2, 72 Stat. 532.)

AMENDMENTS

1958—Pub. L. 85-606 substituted provisions declaring that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions for provisions which stated that the responsibility for civil defense shall be vested primarily in the several States and their political subdivisions.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SHORT TITLE

Section 1 of act Jan. 12, 1951, provided that act Jan. 12, 1951 enacting sections 2251—2284, 2286 and 2291—2297 of this Appendix, should be popularly known as the "Federal Civil Defense Act of 1950".

SEPARABILITY OF PROVISIONS

Section 412 of act June 12, 1951, provided that: "If any provision of this Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [said sections], and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

APPLICABILITY OF REORGANIZATION PLAN NO. 1 OF 1958

Section 413 of act Jan. 12, 1951, as added by Pub. L. 85-606, § 7, provided that: "The applicability of Reorganization Plan Numbered 1 of 1958 (23 F.R. 4991) shall extend to any amendment of this Act [section 2251—2284, 2286 and 2291—2297 of this Appendix] except as otherwise expressly provided in such amendment."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2252 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2252. Definitions.

As used in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]—

(a) The term "attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes;

(b) The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and, when appropriate, the non-military evacuation of civil population); (B) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (C) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for

specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities);

(c) The term "organizational equipment" means equipment determined by the Administrator to be (1) necessary to a civil defense organization, as distinguished from personal equipment, and (2) of such a type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans;

(d) The word "materials" shall include raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense;

(e) The word "facilities", except as otherwise provided in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], shall include buildings, shelters, utilities, and land;

(f) The term "United States" or "States" shall include the several States, the District of Columbia, the Territories, and the possessions of the United States; and

(g) The term "neighboring countries" shall include Canada and Mexico. (Jan. 12, 1951, ch. 1228, § 3, 64 Stat. 1246.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251, 2253 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2253. Administrative authority.

For the purpose of carrying out his powers and duties under this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], the Administrator is authorized to—

(a) employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with the Classification Act of 1949, as amended;

(b) employ not more than one hundred such part-time or temporary advisory personnel (including not to exceed twenty-five subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the Administrator;

(c) utilize the services of Federal agencies and, with the consent of any State or local government, accept and utilize the services of State and local civil agencies; establish and utilize such regional and other offices as may be necessary; utilize such voluntary and uncompensated services by individuals or organizations as may from time to time be needed; and authorize the States to establish and organize such individuals and organizations into units to be known collectively as the United States Civil Defense Corps: *Provided,* That the members of such corps shall not be deemed by reason of such membership to be appointees or employees of the United States;

(d) notwithstanding any other provisions of law, accept gifts of supplies, equipment, and facilities; and utilize or distribute same for civil defense purposes in accordance with the provisions of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix];

(e) reimburse any Federal agency for any of its expenditures or for compensation of its personnel and utilization or consumption of its materials and facilities under this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] to the extent funds are available;

(f) purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as he may deem necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended [section 504 of Title 44); and

(g) prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], and, without being relieved of his responsibility therefor, perform any of the powers and duties vested in him through or with the aid of such officials of the Administration as he may designate.

(h) when, after reasonable notice and opportunity for hearing to the State, or other person, he finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] (or from funds otherwise available for the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] for any approved plan, program, or project with respect to which there is such failure to comply) until the Administrator is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall either withhold the payment of any financial contribution to such State or person, or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions

governing plans, programs, or projects hereunder: *Provided,* That person as used in this subsection, means the political subdivision of any State or combination or group thereof; or any interstate civil defense authority established pursuant to subsection 201(g) [section 2281(g) of this Appendix]; or any person, corporation, association, or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions. (Jan. 12, 1951, ch. 1228, title IV, § 401, 64 Stat. 1254; June 28, 1955, ch. 189, § 12(c)(2), 69 Stat. 180; Aug. 8, 1958, Pub. L. 85-606, § 5, 72 Stat. 534; Aug. 19, 1964, Pub. L. 88-448, title IV, § 402(a)(30), 78 Stat. 494.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are classified generally to Title 5, Government Organization and Employees.

The Classification Act of 1949, as amended, referred to in the text, is classified to chapter 51 and subsection III of chapter 53 of Title 5.

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-448 repealed provisions which read "and, notwithstanding the provisions of any other law, except those imposing restrictions upon dual compensation, employ, in a civilian capacity, with the approval of the President, not to exceed twenty-five retired personnel of the armed services on a full- or part-time basis without loss or reduction of or prejudice to their retired status." See section 3101 et seq. of Title 5, Executive Departments and Government Officers and Employees.

1958—Subsec. (h). Pub. L. 85-606 added subsec. (h).

1955—Subsec. (a). Act June 28, 1955 repealed provisions authorizing the Administrator to place twenty-two positions in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of section by Pub. L. 88-448 was effective on the first day of the first month which begins later than the ninetieth day following Aug. 19, 1964 pursuant to section 403 of Pub. L. 88-448.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment of this section by act June 28, 1955, was effective on June 28, 1955.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

EX. ORD. NO. 10242. REGULATIONS GOVERNING EXERCISE OF CERTAIN ADMINISTRATIVE AUTHORITY

Ex. Ord. No. 10242, May 8, 1951, 16 F.R. 4267, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 28, 1962, 27 F.R. 9683, provided:

PART I

SECTION 101. (a) The authority conferred by subsection 401(b) of the Act [subsection (b) of this section], to employ not more than 100 such part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix], and by subsection 401(c) of the Act [subsection (c) of this section] to utilize such voluntary and uncompensated services by individuals as may from time to time be needed, shall be exercised by the delegate of the President in accordance with the regulations set forth in this part.

(b) In the exercise of such authority the delegate of the President shall be guided by the following policies:

(1) So far as possible, Federal operations under the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix] shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall be limited to advisory or consultative positions only.

(2) Appointments to positions other than advisory or consultative shall be made only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(3) In the appointment of personnel and in the assignment of their duties, the delegate of the President shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

(c) Insofar as it relates to personnel employed at the regional or local levels, the authority conferred by subsection 401(c) of the Act [subsection (c) of this section] to utilize voluntary and uncompensated services shall not be subject to the policies prescribed in subsection (b) hereof. Such authority may not be exercised, however, to fill positions at the regional or local levels subject to the Classification Act of 1949, as amended [chapter 21 of Title 5], unless in any particular instance the delegate of the President makes the determinations specified in section 102 hereof.

(d) Insofar as it relates to personnel employed in positions subject to the Classification Act of 1949, as amended [chapter 21 of Title 5], the authority conferred by subsection 401(c) of the Act [subsection (c) of this section] to utilize voluntary and uncompensated services shall not be redelegated by the delegate of the President.

SEC. 102. Appointments of individuals, under the authority conferred by subsection 401(c) of the Act [subsection (c) of this section] to utilize voluntary or uncompensated services, to positions other than advisory or consultative (except such appointments to positions at the regional or local levels other than positions subject to the Classification Act of 1949, as amended [chapter 21 of Title 5]), shall be supported by written certification by the delegate of the President:

(a) That the appointment is necessary and appropriate in order to carry out the provisions of the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix];

(b) That the duties of the position to which the appointment is being made require outstanding experience and ability;

(c) That the appointee has the outstanding experience and ability required by the position; and

(d) That the delegate of the President has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

SEC. 103. With respect to appointments made under the authority conferred by subsections 401 (b) and (c) of the Act [subsections (b) and (c) of this section] specified in section 101(a) of this order (except such appointments to positions at the regional or local levels other than positions subject to the Classification Act of 1949, as amended [chapter 21 of Title 5]), the delegate of the President shall file with the Division of the Federal Register (for public inspection but not for publication) a statement including the name of the appointee, the section of the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix] under which he was appointed, the title of his position, and the name of his private employer.

SEC. 104. All appointments under the authority conferred by subsections 401 (b) and (c) of the Act [subsections (b) and (c) of this section], specified in section 101(a) of this order shall be made under the terms of this part after the date of this order, and the appointments heretofore made under such authority shall be deemed for all purposes to have been made under this order upon compliance with the provisions of sections 102 and 103 of this part.

SEC. 105. At least once every three months, the Chairman of the United States Civil Service Commission shall survey appointments made under this part and shall report his findings to the President and make such recommendations as he may deem proper.

SEC. 106. Any person employed under the authority conferred by subsections 401 (b) or (c) of the Act [subsections (b) and (c) of this section] specified in section 101(a) of this order is hereby exempted, with respect to such employment, from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99) [now covered by section 207 of Title 18], except as specified in the following subsections:

(a) Exemption hereunder shall not extend to the negotiation or execution, by an appointee under the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix], of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(b) In the case of personnel employed under subsection 401(b) of the Act [subsection (b) of this section], and of personnel other than those employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5], under subsection 401(c) of the Act [subsection (c) of this section], exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claim against the Government involving any matter concerning which the appointee had any responsibility during his employment under this order, during the period of such employment and the further period of two years after the termination of such employment. In the case of personnel employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5], under subsection 401(c) of the Act [subsection (c) of this section], exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claim against the Government growing out of any matter with respect to which the appointee was personally concerned in his official capacity during his employment under this order, during the period of such employment and the further period of two years after the termination of such employment.

(c) In the case of personnel employed under subsection 401(c) of the Act [subsection (c) of this section], other than those employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 51 of Title 5], exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service hereunder from any source other than the private employer of the appointee at the time of his appointment hereunder.

(d) Exemption from sections 434 and 1914 of Title 18, United States Code, shall not extend to persons employed under subsection 401(b) of the Act [subsection (b) of this section].

SEC. 107. The words "the delegate of the President" as used in this order:

(1) In respect of functions under the Act delegated or otherwise assigned to the Secretary of Defense, mean the Secretary of Defense.

(2) In respect of functions delegated or otherwise assigned to the Director of the Office of Emergency Planning, mean the Director of the Office of Emergency Planning.

SEC. 108. The authority conferred by Section 401(a) of the Act [subsec. (a) of this section] to employ part-time or temporary advisory personnel deemed necessary in carrying out the provisions of the Act, and delegated by the provisions of Section 101(a) of this order, shall be available as follows:

(1) To the Secretary of Defense in respect of not to exceed eighty personnel (including not to exceed twenty subjects of the United Kingdom and Canada), and (2) to the Director of the Office of Emergency Planning in respect of not to exceed twenty personnel (including not to exceed five subjects of the United Kingdom and Canada).

SEC. 109. The relevant provisions of this Part shall be subject to the provisions of the Memorandum of the President, pertaining to conflicts of interest, dated February 9, 1962 (27 F.R. 1341ff.).

PART II

SEC. 201. The authority conferred by that portion of subsection 401(c) of the Act [subsection (c) of this section] which authorities the utilization of the services of Federal agencies may be exercised by the delegate of the President in such manner, in accordance with his own discretion, as shall best serve to carry out the purposes of the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix], subject only to his obtaining the consent of the head of the Federal agency whose services are desired to be utilized.

PART III

SEC. 301. The authority conferred by subsection 401 (c) of the Act [subsection (c) of this section], except that portion of the said subsection which authorizes the utilization of such voluntary and uncompensated services by individuals as may from time to time be needed, and that portion of the said subsection which authorizes the utilization of the services of Federal agencies, may be exercised by the delegate of the President in such manner, in accordance with his own discretion, as shall best serve to carry out the purposes of the Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix].

PART IV

SEC. 401. The approval of the President is hereby given for the employment of retired personnel of the armed services, pursuant to the provisions of subsection 401(a) of the Act as follows: (1) By the Secretary of Defense, not to exceed twenty persons, and (2) by the Director of the Office of Emergency Planning [now the Office of Emergency Preparedness], not to exceed five persons.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251, 2252, 2254 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix; title 40 section 484.

§ 2254. Exemption from certain employment restrictions.

The authority granted in subsections 401 (b) and (c) [section 2253 (b), (c) of this Appendix] shall be exercised in accordance with regulations of the President who may also provide by regulation for the exemption of persons employed or whose services are utilized under the authority of said subsections from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 and section 190 of the Revised Statutes [now covered by section 207 of Title 5]. (Jan. 12, 1951, ch. 1228, title IV, § 402, 64 Stat. 1255.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2253, 2255 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2255. Security regulations; oath.

(a) The Administrator shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as he deems necessary. No employee of the Administration shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation

shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Administrator. No such employee shall occupy any position determined by the Administrator to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Civil Service Commission and a report thereon shall have been evaluated in writing by the Administrator. In the event such full field investigation by the Civil Service Commission develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Administrator for any other reason shall deem it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Administrator for his evaluation in writing. Thereafter the Administrator may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Administrator for his action.

(b) Each Federal employee of the Administration, except the subjects of the United Kingdom and the Dominion of Canada specified in section 401 (b) of this Act [section 2253 (b) of this Appendix], shall execute the loyalty oath or appointment affidavits prescribed by the Civil Service Commission. Each person other than a Federal employee who is appointed to serve in a State or local organization for civil defense shall before entering upon his duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm), that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence."

After appointment and qualification for office, the director of civil defense of any State, and any subordinate civil defense officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of Title 18. (Jan. 12, 1951, ch. 1228, title IV, § 403, 64 Stat. 1255; Mar. 5, 1952, ch. 78, § 1 (b), 66 Stat. 13.)

AMENDMENTS

1952—Subsec. (b). Act Mar. 5, 1952 made it possible for civil defense directors to administer the required loyalty oath.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2254, 2256 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2256. Transfer of certain functions, property, and personnel.

The functions, property, and personnel of the Federal Civil Defense Administration established by Executive Order Numbered 10186, issued December 1, 1950 [set out as a note under section 2271 of this Appendix], are transferred to the Administration establishd by this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], and the President may transfer to the Administration such functions, property, and personnel of the National Security Resources Board concerned with civil defense activities as he deems necessary to carry out the purposes of this Act [said sections]. (Jan. 12, 1951, ch. 1228, title IV, § 404, 64 Stat. 1256.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1 eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

ABOLITION OF BOARD

National Security Resources Board was abolished and functions of the Chairman of the Board, with certain exceptions, transferred to the Director of the Office of Defense Mobilization, by sections 2(a), 6 of 1953 Reorg. Plan No. 3, eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out as a note under section 404 of title 50, War and National Defense.

EX. ORD. NO. 10222. PROVISIONS FOR TRANSFER

Ex. Ord. No. 10222, Mar. 12, 1951, 16 F. R. 2247, provided:

By virtue of the authority vested in me by section 404 of the Federal Civil Defense Act of 1950 (Public Law 920, 81st Congress) [this section], and as President of the United States, it is ordered as follows:

1. So much of the health services and special weapons defense functions now being performed by the Health Resources Office of the National Security Resources Board as relates to civil defense is hereby transferred to the Federal Civil Defense Administration and shall remain under the jurisdiction of the Federal Civil Defense Administrator until further order of the President.

2. There shall be transferred to the Federal Civil Defense Administration such of the property and records of the National Security Resources Board as relate, as determined jointly by the Chairman of the National Security Resources Board and the Federal Civil Defense Administrator, to the functions transferred by the provisions of paragraph 1 of this order or to other functions now vested in the Federal Civil Defense Administration, and such of the personnel of the Health Resources Office of the National Security Resources Board as the said Chairman and Administrator shall jointly determine to

be engaged primarily in the performance of the said transferred functions.

3. This order shall be effective as of March 4, 1951.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2255, 2257 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2257. Utilization of existing facilities.

In performing his duties, the Administrator shall (1) cooperate with the various departments and agencies of the Government; (2) utilize to the maximum extent the existing facilities and resources of the Federal Government, and, with their consent, the facilities and resources of the States and local political subdivisions thereof, and of other organizations and agencies; and (3) refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Administrator, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]. (Jan. 12, 1951, ch. 1228, title IV, § 405, 64 Stat. 1256.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2256, 2258 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix; title 40 section 484.

§ 2258. Reports to Congress.

The Administrator shall annually submit a written report to the President and the Congress covering expenditures, contributions, work, and accomplishments of the Administration, pursuant to this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], accompanied by such recommendations as he shall deem appropriate. (Jan. 12, 1951, ch. 1228, title IV, § 406, 64 Stat. 1256.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2257, 2259 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2259. Applicability of civil defense provisions.

The provisions of this Act [sections 2251—2284, 2286 and 2291 to 2297 of this Appendix] shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions. (Jan. 12, 1951, ch. 1228, title IV, § 407, 64 Stat. 1256.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2258, 2260 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2260. Appropriations and transfers of funds.

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency or Government corporation designated to assist in carrying out this Act [said sections]: *Provided,* That each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer: *Provided further,* That appropriations for the payment of travel and per diem expenses for students under section 101(e) [section 2281(e) of this Appendix] shall not exceed $300,000 per annum; appropriations for expenditures under the fourth proviso of section 201(h) [section 2281(h) of this Appendix] (donation of radiological instruments, et cetera) shall not exceed $35,000,000 per annum; appropriations for contribution to the States for personal equipment for State and local workers, under section 201(i) [section 2281(i) of this Appendix] shall not exceed $2,000,000 per annum; appropriations for contributions to the States for personnel and administrative expenses under section 205 [section 2286 of this Appendix] shall not exceed $25,000,000 per annum. (Jan. 12, 1951, ch. 1228, title IV, § 408, 64 Stat. 1257; Aug. 8, 1958, Pub. L. 85-606, § 6, 72 Stat. 534.)

AMENDMENTS

1958—Pub. L. 85-606 prescribed limitations for appropriations for the payment of travel and per diem expenses for students, for expenditures under the fourth proviso of section 2281(h) of this Appendix, for contributions for personal equipment for State and local workers, and for appropriations for contributions for personnel and administrative expenses under section 2286 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2259, 2261 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2261. Loans from Reconstruction Finance Corporation; increase in loan authority of Reconstruction Finance Corporation.

To aid in carrying out the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], the Administrator is authorized to certify to the Reconstruction Finance Corporation as to the necessity under its Civil Defense Program of purchasing securities or making a loan or loans (including participations therein and guarantees thereof) for the purpose of aiding in financing projects for civil defense purposes, and the Reconstruction Finance Corporation upon such certification by the Administrator is authorized to purchase such securities or to make such loan or loans (including participations therein and guarantees thereof) with maturities not to exceed fifty years and on such terms and conditions as the Corporation may determine except that any such purchases of securities or loans may be made only to the extent that financing

is not otherwise available on reasonable terms. The total amount of loans, purchases, participations, and guarantees, made pursuant to this section shall not exceed $250,000,000 outstanding at any one time. The total amount of investments, loans, purchases, and commitments authorized by law to be made by the Reconstruction Finance Corporation is increased by such sum. (Jan. 12, 1951, ch. 1228, title IV, § 409, 64 Stat. 1257.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix, and the Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

Functions of the Secretary of the Treasury under the Reconstruction Finance Corporation Liquidation Act [July 30, 1953, ch. 282, Title I, 67 Stat. 230] with respect to certain specified matters were transferred by 1954 Reorg. Plan No. 2, eff. July 1, 1954, 19 F. R. 3986, set out as a note under section 609 of Title 15, Commerce and Trade.

Act July 30, 1953, ch. 282, title I, § 104, 67 Stat. 231, provided that: "Effective on the sixtieth day after the date of enactment of this Act [July 30, 1953], all functions, powers, duties, and authority of the Reconstruction Finance Corporation under section 409 of the Federal Civil Defense Act of 1950 [this section], together with those assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, personnel, and records of the Reconstruction Finance Corporation which the Director of the Bureau of the Budget shall determine to be primarily related to, and necessary for, the exercise of such functions, powers, duties, and authority, are transferred to the Secretary of the Treasury, and shall be performed, exercised, and administered by the Secretary in accordance with the provisions of such Act [sections 2251—2284, 2286 and 2291—2297 of this Appendix]."

For short title of Title I of act July 30, 1953, quoted in part above, see note under section 603 of Title 15, Trade and Commerce; and for authorization of appropriations for carrying out purposes of the Act, and separability of provisions thereof, see notes under section 631 of such title.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6 (a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F. R. 4633, 71 Stat. —, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2260, 2262 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2262. Atomic Energy Act of 1946 unaffected.

Nothing in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] shall be construed to amend or modify the provisions of the Atomic Energy Act of 1946, as amended [chapter 23 of Title 42]. (Jan. 12, 1951, ch. 1228, title IV, § 410, 64 Stat. 1257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2261, 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2263. Investigation of espionage, sabotage, or subversive acts.

Nothing in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation. (Jan. 12, 1951, ch. 1228, title IV, § 411, 64 Stat. 1257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2262, 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2264. Establishment of "Civil defense procurement fund"; uses; charges against fund.

There is established a working capital of $5,000,000 for the "Civil defense procurement fund", which is established for the purpose of financing the procurement, by the Administrator, of materials or organizational equipment for which financial contributions to the States are otherwise authorized to be made on a matching basis by subsection (i) of section 2281 of this Appendix. Said fund shall be charged with the purchase price of said materials or equipment, and shall be paid therefor in advance, or by reimbursement, in equal amounts from (1) applicable appropriations and (2) funds provided by the States. Such materials or organizational equipment may be delivered to any State, and the Federal share of the purchase price of materials or organizational equipment so delivered shall be in lieu of equivalent financial contributions therefor. (June 2, 1951, ch. 121, ch. XI, 65 Stat. 61.)

CODIFICATION

Section enacted as a part of the Third Supplemental Appropriation Act, 1951, and not as a part of the Federal Civil Defense Act of 1950, which comprises sections 2251—2297 of this Appendix.

TITLE II—ORGANIZATION OF ADMINISTRATION

§ 2271. Federal Civil Defense Administration.

(a) Establishment; appointment of Administrator.

There is established in the executive branch of the Government a Federal Civil Defense Administration (hereinafter referred to as the "Administration") at the head of which shall be a Federal Civil Defense Administrator appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Deputy Administrator; appointment; duties.

There shall be in the Administration a Deputy Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall prescribe and shall act for, and exercise the shall perform such functions as the Administrator powers and perform the duties of, the Administrator during his absence or disability.

(c) Administrator subject to Presidential control.

The Administrator shall perform his functions subject to the direction and control of the President. (Jan. 12, 1951, ch. 1228, title I, § 101, 64 Stat. 1247.)

CODIFICATION

Provisions of subsecs. (a) and (b) of this section which prescribed the compensation of the Administrator and the Deputy Administrator were omitted. See sections 5314, 5315, and 5316 of Title 5, Government Organization and Employees, for compensation of Director, Deputy Director, and Assistant Directors, of Office of Emergency Preparedness.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by

section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under this section. The Plan created a new agency in the Executive Office of the President known as the Office of Emergency Preparedness.

REORGANIZATION PLAN NO. 1 OF 1958

Eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub. L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630; Pub. L. 87-367, title I, § 103(10), Oct. 4, 1961, 75 Stat. 788; Pub. L. 88-426, title III, § 305(11), Aug. 14, 1964, 78 Stat. 423; Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 24, 1958, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see section 901 et seq. of Title 5, Government Organization and Employees].

CIVILIAN MOBILIZATION

SECTION 1. TRANSFER OF FUNCTIONS TO THE PRESIDENT

(a) There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the following: The Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Federal Civil Defense Administrator.

(b) The President may from time to time delegate any of the functions transferred to him by subsection (a) of this section to any officer, agency, or employee of the executive branch of the Government, and may authorize such officer, agency, or employee to redelegate any of such functions delegated to him.

SEC. 2. OFFICE OF EMERGENCY PREPAREDNESS

(a) Subject to the provisions of this reorganization plan, the Office of Defense Mobilization and the Federal Civil Defense Administration are hereby consolidated to form a new agency in the Executive Office of the President which shall be known as the Office of Emergency Preparedness, hereinafter referred to as the "Office".

(b) There shall be at the head of the Office a Director of the Office of Emergency Preparedness, who shall be appointed by the President by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director of the Office of Emergency Preparedness, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There shall be in the Office three Assistant Directors of the Office of Emergency Preparedness, each of whom shall be appointed by the President by and with the advice and consent of the Senate, and shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan.

(e) The Office and the Director thereof shall perform such functions as the President may from time to time delegate or assign thereto. The said Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Office of any function delegated or assigned to the Office or to the Director.

SEC. 3. REGIONAL DIRECTORS

There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title "Regional Director", as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Emergency Preparedness, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended.

SEC. 4. MEMBERSHIP ON NATIONAL SECURITY COUNCIL

The functions of the Director of the Office of Defense Mobilization with respect to being a member of the National Security Council are excluded from the scope of the provisions of section 1(a) of this reorganization plan and are hereby transferred to the Director of the Office of Emergency Preparedness.

SEC. 5. CIVIL DEFENSE ADVISORY COUNCIL

The Civil Defense Advisory Council, created by section 102(a) of the Federal Civil Defense Act (50 U.S.C. App. 2272(a)) [section 2272(a) of this Appendix], together with its functions, is hereby transferred to the Office of Emergency Preparedness.

SEC. 6. ABOLITIONS

The offices of Federal Civil Defense Administrator and Deputy Administrator provided for in section 101 of the Federal Civil Defense Act (50 U.S.C. App. 2271) [this section] and the offices of the Director of the Office of Defense Mobilization and Deputy Director of the Office of Defense Mobilization provided for in section 1 of Reorganization Plan Numbered 3 of 1953 (67 Stat. 634) are hereby abolished. The Director of the Office of Emergency Preparedness shall make such provisions as may be necessary in order to wind up any outstanding affairs of the offices abolished by this section which are not otherwise provided for in this reorganization plan.

SEC. 7. RECORDS, PROPERTY, PERSONNEL, AND FUNDS

(a) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Office of Defense Mobilization and of the Federal Civil Defense Administration shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Emergency Preparedness.

(b) Records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of any agency (including the Office of Emergency Preparedness), relating to functions vested in or delegated or assigned to the Office of Defense Mobilization or the Federal Civil Defense Administration immediately prior to the taking effect of the provisions of this reorganization plan, may be transferred from time to time to any other agency of the Government by the Director of the Bureau of the Budget [now the Office of Management and Budget] under authority of this subsection for use, subject to the provisions of the Reorganization Act of 1949, as amended, in connection with any of the said functions authorized at time of transfer under this subsection to be performed by the transferee agency.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in connection with the provisions of subsections (a) and (b) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 8. INTERIM PROVISIONS

The President may authorize any person who immediately prior to the effective date of this reorganization plan holds an office abolished by section 6 hereof to hold any office established by section 2 of this reorganization plan until the latter office is filled pursuant to the said section 2 or by recess appointment, as the case may be, but in no event for any period extending more than one-hundred-and-twenty days after the said effective date.

SEC. 9. EFFECTIVE DATE

The provisions of this reorganization plan shall take effect at the time determined under the provisions of section 6(a) of the Reorganization Act of 1949, as amended [section 906(a) of Title 5], or on July 1, 1958, whichever is later.

EXECUTIVE ORDER NO. 10773

Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061, as amended by Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971, as a note under this section, which related to the delegation and transfer of functions to the Office of Civil and Defense Mobilization, was superseded by Ex. Ord. No.

11051, Sept. 28, 1962, 27 F.R. 9683, set out as a note under this section.

EXECUTIVE ORDER No. 10902

Ex. Ord. No. 10902, Jan. 11, 1961, 26 F.R. 217, which related to the issuance of emergency preparedness orders, was superseded by Ex. Ord. No. 11051, Sept. 7, 1962, 27 F.R. 9683, set out as a note under this section.

EX. ORD. No. 10952. ASSIGNMENT OF CIVIL DEFENSE RESPONSIBILITIES

Ex. Ord. No. 10952, July 20, 1961, 26 F.R. 6577, as amended by Ex. Ord. No. 11051, Sept. 28, 1962, 27 F.R. 9683, provided:

WHEREAS the possibility of enemy attack upon the United States must be taken into account in developing our continental defense program; and

WHEREAS following a thorough review and consideration of our military and nonmilitary defense activities, I have concluded that adequate protection of the civilian population requires a substantial strengthening of the Nation's civil defense capability; and

WHEREAS the rapid acceleration of civil defense activities can be accomplished most effectively and efficiently through performance by the regular departments and agencies of government of those civil defense functions related to their established roles and capabilities; and

WHEREAS I have concluded that the undertaking of greatly accelerated civil defense activities, including the initiation of a substantial shelter program, requires new organizational arrangements;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces of the United States, including the authority contained in the Federal Civil Defense Act of 1950, as amended [section 2251 et seq. of this Appendix], and other authorities of law vested in me pursuant to Reorganization Plan No. 1 of 1958 [set out as a note under this section], it is hereby ordered as follows:

SECTION 1. *Delegation of authority to the Secretary of Defense.* (a) Except as hereinafter otherwise provided and as is reserved to the Office of Emergency Planning in section 2 of this order, the Secretary of Defense is delegated all functions (including as used in this order, powers, duties, and authority) contained in the Federal Civil Defense Act of 1950, as amended (hereinafter referred to as the Act), vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), subject to the direction and control of the President. Such functions to be performed by the Secretary of Defense, working as necessary or appropriate through other agencies by contractual or other agreements, as well as with State and local leaders, shall include but not be limited to the development and execution of:

(i) a fallout shelter program;

(ii) a chemical, biological and radiological warfare defense program;

(iii) all steps necessary to warn or alert Federal military and civilian authorities, State officials and the civilian population;

(iv) all functions pertaining to communications, including a warning network, reporting on monitoring, instructions to shelters and communications between authorities;

(v) emergency assistance to State and local governments in a postattack period, including water, debris, fire, health, traffic police and evacuation capabilities;

(vi) protection and emergency operational capability of State and local government agencies in keeping with plans for the continuity of government; and

(vii) programs for making financial contributions to the States (including personnel and administrative expenses) for civil defense purposes.

(b) In addition to the foregoing, the Secretary shall:

(i) develop plans and operate systems to undertake a nationwide postattack assessment of the nature and extent of the damage resulting from enemy attack and the surviving resources including systems to monitor and report specific hazards resulting from the detonation or use of special weapons; and

(ii) make necessary arrangements for the donation of Federal surplus property in accordance with section 203 (j)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)(4)), subject to applicable limitations.

SEC. 2 *Civil defense responsibilities of the Office of Emergency Planning.* The Director of the Office of Emergency Planning shall

(a) advise and assist the President in:

(i) determining policy for, planning, directing and coordinating, including the obtaining of information from all departments and agencies, the total civil defense program;

(ii) reviewing and coordinating the civil defense activities of the Federal departments and agencies with each other and with the activities of the States and neighboring countries in accordance with section 201(b) of the Act [section 2281(b) of this Appendix],

(iii) determining the appropriate civil defense roles of Federal departments and agencies, and enlisting State, local and private participation, mobilizing national support, evaluating progress of programs, and preparing reports to the Congress relating to civil defense matters;

(iv) helping and encouraging the States to negotiate and enter into interstate civil defense compacts and enact reciprocal civil defense legislation in accordance with section 201(g) of the Act [section 2281(g) of this Appendix], and

(v) providing all practical assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries in accordance with section 203 of the Act [section 2283 of this Appendix].

(b) develop plans, conduct programs and coordinate preparations for the continuity of Federal governmental operations in the event of attack; and

(c) develop plans, conduct programs and coordinate preparations for the continuity of State and local governments in the event of attack, which plans, programs and preparations shall be designed to assure the continued effective functioning of civilian, political authority under any emergency condition.

SEC. 3. *Excluded functions.* The following functions of the President under the provisions of the Act are excluded from delegations to the Secretary of Defense made by this order and are reserved to the President:

(a) Those under subsections (h) and (i) of section 201 of the Act (50 U.S.C. App. 2281 (h), (i)) to the extent that they pertain to medical stockpiles and food stockpiles.

(b) Those under the following provision of the Act: Sections 102(a), 201(b), and 402 and Title III [section 2272(a), 2281(b), 2254 and 2291 et seq. of this Appendix].

SEC. 4. *Transfer of property facilities, personnel and funds.* Subject to applicable law, there shall be hereby transferred to the Secretary of Defense such portion of the property, facilities, and personnel of the Office of Emergency Planning engaged in the performance of the civil defense responsibilities herein assigned to the Secretary of Defense as shall be agreed upon by the Secretary and the Director of the Office of Emergency Planning together with such portions of the funds currently available for those purposes as shall be approved by the Director of the Bureau of the Budget.

SEC. 5. *Reports.* The Secretary of Defense shall annually submit to the President a written report covering expenditures, contributions, activities, and accomplishments of the Secretary of Defense pursuant to this order.

SEC. 6. *Redelegation.* The Secretary of Defense is hereby authorized to redelegate within the Department of Defense the functions hereinabove delegated to him.

SEC. 7. *Amendment.* The Director of the Office of Emergency Planning is hereby relieved of responsibilities under the Act except as otherwise provided herein, and the provisions of Executive Order No. 10773, as amended [set out as a note under this section], are amended accordingly.

SEC. 8. *Prior actions.* (a) Except to the extent that they may be inconsistent with the provisions of this order, and except as particular Executive orders or other orders are amended, modified, or superseded by the provisions of this order, all determinations, authorizations, regulations, rulings, certificates, orders (including emergency preparedness orders), directives, contracts, agreements, and other actions made, issued, or entered into

with respect to any function affected by this order, and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by the President or other appropriate authority; but, to the extent necessary to conform to the provisions of this order, any of the foregoing shall be deemed to refer to the Secretary of Defense or other appropriate officer or agency instead of, or in addition to, the Office of Emergency Planning or the Director thereof.

(b) This order shall not terminate any delegation or assignment of any substantive (program) function to any delegate agency made by any emergency preparedness order heretofore issued by the Director of the Office of Emergency Planning (26 F.R. 651–662; 835–840) (which emergency preparedness order shall remain in effect until amended or revoked by or at the specific direction of the President). No such emergency preparedness order shall limit the delegation or assignment of any substantive (program) function to the Secretary of Defense made by the foregoing sections of this order.

SEC. 9. *Effective date.* This order shall become effective on the first day of August, 1961.

JOHN F. KENNEDY

EX. ORD. NO. 10958. DELEGATION OF FUNCTIONS RESPECTING STOCKPILES OF MEDICAL SUPPLIES AND EQUIPMENT AND FOOD

Ex. Ord. No. 10958, Aug. 14, 1961, 26 F.R. 7571, as amended by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, provided:

By virtue of the authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799) [set out as a note under this section], and as President of the United States, it is ordered as follows:

PART I. MEDICAL STOCKPILES

SECTION 101. *Delegation of functions.* Certain functions under the Federal Civil Defense Act of 1950, as amended [section 2251 et seq. of this Appendix] (which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799)), are hereby delegated to the Secretary of Health, Education, and Welfare, hereafter in this Part referred to as the Secretary, as follows:

(a) All functions (including, as used in this order, powers, duties, and authority) under section 201(h) of that Act, 50 U.S.C. App. 2281(h), to the extent that they pertain to the stockpiling of medical supplies and equipment.

(b) To the extent that they are incidental to or necessary for the performance by or under the Secretary of the functions delegated by the provisions of section 101(a) of this order, other functions under the Federal Civil Defense Act of 1950, as amended, excluding, however, functions under sections 102(a), 201(b), and 402 and Title III of that Act [sections 2272(a), 2281(b), 2254, and sections 2291—2297 of this Appendix].

SEC. 102. *Redelegation.* The Secretary may redelegate any of the functions delegated to him by this order to any of his subordinates.

PART II. FOOD STOCKPILES

SEC. 201. *Delegation of functions.* Certain functions under the Federal Civil Defense Act of 1950, as amended (which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799)), are hereby delegated to the Secretary of Agriculture, hereafter in this Part referred to as the Secretary, as follows:

(a) All functions under section 201(h) of that Act, 50 U.S.C. App. 2281(h), to the extent that they pertain to the stockpiling of food.

(b) To the extent that they are incidental to or necessary for the performance by or under the Secretary of the functions delegated by the provisions of section 201(a) of this order, other functions under the Federal Civil Defense Act of 1950, as amended, excluding, however, functions under sections 102(a), 201(b), and 402 and Title III of that Act [sections 2272(a), 2281(b), 2254, and sections 2291—2297 of this Appendix].

SEC. 202. *Redelegation.* The Secretary may redelegate any of the functions delegated to him by this order to any or his subordinates.

PART III. GENERAL PROVISIONS

SEC. 301. *Relationships with other agencies.* The responsibilities of the Director of the Office of Emergency Planning in respect of the functions delegated by the provisions of Parts I and II of this order shall be those stated in section 2(a) of Executive Order No. 10952 of July 20, 1961 (26 F.R. 6577) [set out as a note under this section].

SEC. 302. *Property, personnel, and records.* Subject to law, property, personnel, and records of the Office of Emergency Planning shall be transferred as follows:

(a) To the Department of Health, Education, and Welfare, so much thereof, related to the functions delegated by the provisions of Part I of this order, as may be determined jointly by the Secretary of Health, Education, and Welfare and the Director of the said Office.

(b) To the Department of Agriculture, so much thereof, related to the functions delegated by the provisions of Part II of this order, as may be determined jointly by the Secretary of Agriculture and the said Director.

SEC. 303. *Funds.* There shall be transferred to the Department of Agriculture and to the Department of Health, Education, and Welfare so much of the appropriations, allocations, and other funds (available or to be made available) of the Office of Emergency Planning as shall be determined in pursuance of the provisions of section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b)) and section 1(k) of Executive Order No. 10530 of May 10, 1954.

SEC. 304. *Prior Executive orders.* Exclusive of Executive Order No. 10952 of July 20, 1961 [set out as a note under this section], all prior Executive orders (including Executive Order No. 10773 of July 1, 1958, as amended, and Executive Order No. 10902 of January 9, 1961) [set out as notes under this section] are hereby superseded to the extent that, immediately prior to the issuance of this order and in respect of the functions delegated by the provisions of Parts I and II of this order (to the extent there delegated), they delegate or otherwise assign, or authorize the delegation or other assignment of, functions or subject, or authorize the subjection of, the performance of functions to supervision, direction, control, or coordination.

SEC. 305 *Other prior actions.* Except to the extent that they may be inconsistent with the provisions of this order, and except to the extent revoked, superseded or otherwise rendered inapplicable before the date of this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions heretofore made, issued, or entered into with respect to any function delegated by the provisions of Part I or of Part II of this order (to the extent there delegated) shall continue in effect until such time as the Secretary of Health, Education, and Welfare or the Secretary of Agriculture, as the case may be, under the authority of this order, shall amend, modify, or terminate them. The status of prior Executive orders shall be governed by the provisions of section 304 of this order.

JOHN F. KENNEDY

EX. ORD. NO. 11051. RESPONSIBILITIES OF THE OFFICE OF EMERGENCY PREPAREDNESS

Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, as amended by Ex. Ord. No. 11075, Jan. 16, 1963, 28 F.R. 473; Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193, provided:

WHEREAS national preparedness must be achieved and maintained to support such varying degrees of mobilization as may be required to deal with increases in international tension, with limited war, or with general war including attack upon the United States; and

WHEREAS the national security and our continuing economic growth and prosperity are interdependent, appropriate attention must be directed to effective coordination of emergency preparedness measures with national economic policies and objectives; and

WHEREAS mobilization readiness and civil defense activities can be accomplished most effectively and efficiently through the performance by departments and agencies of the Government of those emergency preparedness functions related to their established roles and capabilities; and

WHEREAS responsibility for emergency preparedness involves virtually every agency of the Federal Government, and there is need to provide a central point of leadership and coordination in the Executive Office of the President:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, including the authorities contained in the National Security Act of 1947, the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.), and other authorities of law vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799) [set out as a note under this section], and also including the authority vested in me by the provisions of Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

PART I. SCOPE

SECTION 101. *Resumé of responsibilities.* The Director of the Office of Emergency Preparedness (hereinafter referred to as the Director) shall:

(a) Advise and assist the President in the coordination of and in the determination of policy for the emergency plans and preparedness assignments of the Federal departments and agencies (hereinafter referred to as Federal agencies) designed to make possible at Federal, State and local levels the mobilization of the human, natural and industrial resources of the nation to meet all conditions of national emergency, including attack on the United States.

(b) Under the direction of the President, be responsible for the preparation of nonmilitary plans and preparedness programs with respect to organization and functioning of the Federal Government under emergency conditions and with respect to specific areas of Federal activity necessary in time of war which are neither performed in the normal operations of the regular departments and agencies nor assigned thereto by or under the authority of the President.

(c) Perform such other functions as are vested in him by law or are by this order, or by orders referred to in this order, delegated or otherwise assigned to him.

(d) Perform such additional functions as the President may from time to time direct.

PART II. GENERAL COORDINATING RESPONSIBILITIES

SEC. 201. *General.* (a) The Director shall advise and assist the President in (1) the development of planning assumptions and broad emergency preparedness objectives with respect to various conditions of national emergency, (2) the development of policies and procedures to determine the relationship between available supplies of the nation's resources and the requirements of military, foreign, and essential civilian programs, including those of civil defense, (3) the development of policies, programs, and control systems designed to deal with supply deficiencies and to meet effectively the most urgent requirements for those resources in the interests of national defense, and (4) coordinating the governmental programs designed to achieve these ends.

(b) The Director shall advise and assist the President with respect to resolving any issues, related to emergency preparedness responsibilities of Federal agencies, which arise between two or more such agencies.

SEC. 202. *Resources and requirements.* The Director shall provide policy guidance to the heads of Federal agencies having resource mobilization or claimancy responsibilities to assist them in (1) the development and submission of estimated military and foreign as well as industrial and consumer requirements, (2) the development of resource supply estimates; and (3) the periodic evaluation of requirements estimates in relation to estimates of availability of resources from all sources.

SEC. 203. *Central program determination.* The Director shall develop an overall emergency system for reaching central program decisions for the utilization of resources on the basis that he will have the responsibility for making such central decisions in the initial period of an emergency. This system shall include uniform criteria and procedures for:

(a) The development by each Federal agency of the amounts and types of resources which it must claim in order to meet the requirements of its planned programs;

(b) The central consideration of the supply-requirements evaluations of planned programs;

(c) The central determination of major resource utilization programs under varied conditions of national emergency on a relative urgency basis and central direction for the adjustment of agency programs consistent with such determinations; and

(d) The decentralization of controls if required by emergency conditions.

SEC. 204. *Control systems.* The Director shall develop policies and procedures for the coordinated application by Federal agencies, in time of emergency, of priorities, allocations, and other resource control and distribution systems (including a system for the rationing of consumer goods) for the conduct of approved major programs.

SEC. 205. *Research.* The Director shall develop, maintain, and conduct a central research planning program for emergency preparedness purposes. The Director shall maintain, with the participation and support of Federal agencies concerned, a national resources evaluation capability for predicting and monitoring the status of resources under all degrees of emergency, for identifying resource deficiencies and feasible production programs and for supplying resource evaluations at national and subordinate levels to support mobilization base planning, continuity of government, resource management and economic recovery.

SEC. 206. *Dispersal and protection of facilities.* (a) The Director, after consultation with the appropriate Federal agencies, shall advise the President concerning the strategic relocation of industries, services, government and economic activities, the operations of which are essential to the nation's security. He shall coordinate the efforts of Federal agencies with respect to the application of the principle of geographic dispersal of certain industrial facilities, both government- and privately-owned, in the interest of national defense.

(b) The Director, under authority of, and in accordance with the provisions of, Executive Order No. 10421 of December 31, 1952 [set out as a note under section 404 of this title], shall perform functions in respect of the physical security of facilities important to the national defense.

(c) In addition, the Director shall review all measures being taken by the Federal agencies with respect to the physical security and protection of facilities important to defense mobilization, defense production, civil defense or the essential civilian economy, including those under the provisions of emergency preparedness assignments to such agencies and shall recommend to the President such actions as are necessary to strengthen such measures.

SEC. 207. *Civil defense.* (a) Under authority of the provisions of Section 2 of Executive Order No. 10952 of July 20, 1961 [set out as a note under this section], and as there prescribed, the Director shall advise and assist the President, and shall perform other functions, in respect of civil defense.

(b) Under authority of, and in accordance with the provisions of, Executive Order No. 10958 of August 14, 1961 [set out as a note under this section], the Director shall advise and assist the President with respect to the stockpiling of food and medical supplies.

(c) The Director shall advise and assist the President with respect to the need for stockpiling various items essential to the survival of the population, additional to food and medical supplies, and with respect to programs for the acquisition, storage, and maintenance of such stockpiles.

SEC. 208. *Federal-State relations.* (a) The Director shall represent the President in working with State Governors to stimulate vigorous State and local participation in emergency preparedness measures.

(b) He shall provide advice and guidance to the States with regard to preparations for the continuity of State and local civilian political authority in the event of nuclear attack on the United States which shall include, but not be limited to, programs for maintaining lines of succession to office, safekeeping of essential records, provisions for alternate sites of government, the protection and effective use of government resources, personnel, and facilities, and interstate compacts and reciprocal legislation relating to emergency preparedness.

(c) He shall assist the President in achieving a coordinated working relationship between the various elements of State governments and the Federal agencies to which specific emergency preparedness functions have been assigned pursuant to statute or Executive order.

(d) The civil defense activities involved in the functions prescribed by the foregoing provisions of this sections shall be carried out in accordance with the provisions of Section 2 of Executive Order No. 10952 of July 20, 1961 [set out as a note under this section].

SEC. 209. *Review and evaluation.* The Director shall from time to time furnish the President overall reports and recommendations concerning the emergency preparedness programs, including the state of preparedness of Federal, State, and local governments to carry out their emergency functions.

PART III. SPECIAL EMERGENCY PLANNING RESPONSIBILITIES

SEC. 301. *General.* Under the direction of the President, the Director shall have primary responsibility (1) for planning assumptions and broad nonmilitary emergency preparedness objectives, (2) for planning the nonmilitary organization and functioning of the Federal Government in time of national emergency, (3) for developing, in association with interested agencies, the emergency planning, including making recommendations to the President as to the appropriate roles of Federal agencies, in currently unassigned matters such as but not necessarily limited to, economic stabilization, economic warfare, emergency information, and wartime censorship, and (4) for the development of nonmilitary policies and programs for use in the event of enemy attack on the United States designed to restore the national defense potential of the nation.

SEC. 302. *Emergency organization.* The Director, in consultation with the Director of the Bureau of the Budget [now the Office of Management and Budget], shall plan for the organization and functioning of the Federal Government in an emergency, including provisions for the central direction of all emergency mobilization activities and the creation of such emergency agencies as may be required for the conduct of emergency activities including those within the normal jurisdiction of existing agencies. Plans shall provide for maximum practicable reliance to be placed on existing Federal agencies with competence in emergency operations and, as best may be, shall be harmonious with related operations of the Government as a whole.

SEC. 303. *Emergency authorities.* The Director shall provide for the prompt exercise of Federal emergency authority through the advance preparation of such proposed legislation, Executive orders, rules, regulations, and directives as would be necessary to put into effect operating programs appropriate to the emergency situation.

SEC. 304. *Continuity of Federal Government.* The Director shall develop policies and plans to assure the continuity of essential Federal Government activities through programs to provide for lines of succession to office, safekeeping of essential records, alternate sites for Government operations, and the protection and effective use of Government resources, personnel, and facilities.

SEC. 305. *Executive Reserve.* The Director, under authority of, and in accordance with the provisions of Executive Order No. 10660 of February 15, 1956 [set out as a note under section 2153 of this Appendix], shall develop policies and plans for the provision of an Executive Reserve of personnel capable of filling executive positions in the Government in time of emergency.

SEC. 306. *Emergency telecommunication.* The Director shall be responsible for providing overall policy guidance to the Director of the Office of Telecommunications Policy in planning for the mobilization of the Nation's telecommunications resources in time of national emergency.

SEC. 307. *Post-attack recovery.* Under the direction of the President, the Director, with the cooperation and assistance of the Federal agencies, shall develop policies, plans, and programs designed to provide for the rapid restoration after an attack on the United States of a national capability to support a strong national defense effort.

PART IV. CURRENT MANAGEMENT RESPONSIBILITIES

SEC. 401. *Defense production.* Under the authority of, and in accordance with the provisions of, Executive Order No. 10480 of August 14, 1953 [set out as a note under section 2153 of this Appendix], the Director shall perform the functions thereby delegated or otherwise assigned to him.

SEC. 402. *Strategic and critical materials stockpiling.* (a) There are hereby delegated to the Director all those functions under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98 et seq.), under Section 4 (h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714(h)), and under Section 204(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(f), which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799) [set out as a note under this section].

(b) The Director, under the provisions of the said Strategic and Critical Materials Stockpiling Act [section 98 et seq. of this title], shall determine which materials are strategic and critical and the quality and quantity of such materials which shall be stockpiled, and shall direct the General Services Administration in the purchase, storage, refinement, rotation, and disposal of materials.

(c) The Director is hereby designated as an agency under and for the purposes of the provisions of clause (b) of Section 5 of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98d (clause (b))), and, accordingly, in the event of enemy attack upon the United States the Director is authorized and directed to order the release by the Administrator of General Services of such materials from stockpiles established under the said Act [section 98 et seq. of this title], in such quantities, for such uses, and on such terms and conditions, as the Director determines to be necessary in the interests of the national defense.

SEC. 403. *Supplemental stockpile.* The Director, under authority of the provisions of Section 4(d)(2) of Executive Order No. 10900 of January 6, 1961 [set out as a note under section 1691 of Title 7, Agriculture], shall determine from time to time the materials to be contracted for or purchased for a supplemental stockpile with foreign currencies pursuant to the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)).

SEC. 404. *Imports threatening the national security.* (a) The Director, under the authority of, and in accordance with the provisions of, Section 232 of the Trade Expansion Act of 1962 [section 1862 of Title 19, Customs Duties], shall make appropriate investigations of the effects of imports on the national security and shall advise the President of any case in which the Director is of the opinion that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

(b) The Director, under authority of, and in accordance with the provisions of, Section 3(d) of Executive Order No. 10582 of December 17, 1954 [set out as a note under section 10d of Title 41, Public Contracts], shall furnish advice to procuring agencies with respect to the rejection of bids or offers to furnish materials of foreign origin on the ground that such rejection is necessary to protect essential national security interests.

SEC. 405. *Disaster relief.* The Director, under authority of, and in accordance with the provisions of, Executive Order No. 10427 of January 16, 1953 [set out as a note under section 1855d of Title 42, The Public Health and Welfare], and Executive Order No. 10737 of October 29, 1957 [set out as a note under section 1855d of Title 42, The Public Health and Welfare], shall exercise authority under the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855 et seq.).

PART V. GENERAL PROVISIONS

SEC. 501. *Rules and regulations.* In carrying out his responsibilities under this order, the Director is authorized to issue such rules and regulations, and directives, consonant with law and Executive order, as he deems necessary and appropriate to the functions involved.

SEC. 502. *Boards and committees.* The Director is hereby authorized to establish in headquarters and in the field such boards and committees as he deems necessary to advise him in the conduct of activities outlined herein.

SEC. 503. *Certain additional authorities.* (a) There are hereby delegated to the Director all those now-existing functions under the National Security Act of 1947 which were transfered to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799) [set out as a note under this section].

(b) In performing the functions under the Federal Civil Defense Act of 1950 [section 2251 et seq. of this Appendix] assigned to him, and subject to applicable provisions of Executive orders, the Director is authorized to exercise the authority conferred by Title IV of that Act [section 2253 et seq. of this Appendix]. The foregoing provision of this subsection shall not be deemed to derogate from any authority under Title IV [section 2253 et seq. of this Appendix] heretofore available to the Secretary of Defense.

SEC. 504. *Reports.* The Director is authorized to require from Federal agencies such statistical data and progress reports at such intervals as he deems necessary to discharge his responsibilities under this order.

SEC. 505. *Prior actions.* All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority, and nothing in this order shall affect the validity or force of anything done under previous delegations or other assignments of the functions affected by this order.

SEC. 506. *Executive Order 11030.* Nothing in this order or in any order amended by this order shall derogate from the provisions of Executive Order No. 11030 of June 19, 1962 [set out as a note under section 305 of Title 44, Public Printing and Documents].

SEC. 507. *References to orders and Acts.* Except as may for any reason be inappropriate, references in this order to any other Executive order or to any Act, and references in this order or in any other Executive order to this order, shall be deemed to include references thereto, respectively, as amended from time to time.

PART VI. PRIOR EXECUTIVE ORDERS AND PROCLAMATIONS

SEC. 601. *General amendments.* Each reference to the Office of Civil and Defense Mobilization or to the Director of the Office of Civil and Defense Mobilization in the following is hereby amended to refer to the Office of Emergency Planning [now Office of Emergency Preparedness] and the Director of the Office of Emergency Planning [now Office of Emergency Preparedness], respectively:

(1) Executive Order No. 10296 of October 2, 1951
(2) Executive Order No. 10312 of December 10, 1951
(3) Executive Order No. 10346 of April 17, 1952 (penultimate sentence of Section 2, only)
(4) Executive Order No. 10421 of December 31, 1952
(5) Executive Order No. 10427 of January 16, 1953
(6) Executive Order No. 10480 of August 14, 1953
(7) Executive Order No. 10494 of October 14, 1953
(8) Executive Order No. 10601 of March 21, 1955
(9) Executive Order No. 10634 of August 25, 1955
(10) Executive Order No. 10660 of February 15, 1956
(11) Executive Order No. 10705 of April 17, 1957
(12) Executive Order No. 10737 of October 29, 1957
(13) Executive Order No. 10900 of January 5, 1961
(14) Executive Order No. 10952 of July 20, 1961
(15) Executive Order No. 10958 of August 14, 1961
(16) Proclamation No. 3279 of March 10, 1959

SEC. 602. *Executive Order 10242.* Executive Order No. 10242 of May 8, 1951 [set out as a note under section 2253 of this Appendix], is hereby amended:

(1) By deleting from subsection 101(a) thereof the following: "upon the Director of the Office of Civil and Defense Mobilization, hereinafter referred to as the Director,".

(2) By deleting from Sections 101(c), 101(d), 102, 103, 104, 106 (preamble), 201, and 301 the following: "upon the Director of the Office of Civil and Defense Mobilization".

(3) By substituting for the words "the Director of the Office of Civil and Defense Mobilization", at each place where they occur in the order and are not deleted or otherwise amended by this order, the following: "the delegate of the President".

(4) By substituting for the words "shall not be delegated" in subsection 101(d) the following: "shall not be redelegated by the delegate of the President".

(5) By adding after Section 106 new Sections 107, 108, and 109, reading as follows:

"SEC. 107. The words 'the delegate of the President' as used in this order:

"(1) In respect of functions under the Act delegated or otherwise assigned to the Secretary of Defense, mean the Secretary of Defense.

"(2) In respect of functions delegated or otherwise assigned to the Director of the Office of Emergency Planning, mean the Director of the Office of Emergency Planning [now Office of Emergency Preparedness].

"SEC. 108. The authority conferred by Section 401(a) of the Act [section 2253(a) of this Appendix] to employ part-time or temporary advisory personnel deemed necessary in carrying out the provisions of the Act, and delegated by the provisions of Section 101(a) of this order, shall be available as follows: (1) To the Secretary of Defense in respect of not to exceed eighty personnel (including not to exceed twenty subjects of the United Kingdom and Canada), and (2) to the Director of the Office of Emergency Planning [now Office of Emergency Preparedness] in respect of not to exceed twenty personnel (including not to exceed five subjects of the United Kingdom and Canada).

"SEC. 109. The relevant provisions of this Part shall be subject to the provisions of the Memorandum of the President, pertaining to conflicts of interest, dated February 9, 1962 (27 F.R. 1341ff.)."

(6) By amending Section 401 to read as follows:

"SEC. 401. The approval of the President is hereby given for the employment of retired personnel of the armed services, pursuant to the provisions of subsection 401(a) of the Act [section 2253(a) of this Appendix] as follows: (1) By the Secretary of Defense, not to exceed twenty persons, and (2) by the Director of the Office of Emergency Planning [now Office of Emergency Preparedness], not to exceed five persons."

SEC. 603. *Other orders.* (a) Executive Order No. 10260 of June 27, 1951 [set out as a note under section 1213 of this Appendix], is hereby amended by striking from Section 1 thereof the following: "Office of Civil and Defense Mobilization, the".

(b) Executive Order No. 10346 of April 17, 1952 [set out as a note under section 2292 of this Appendix], is hereby amended by substituting for the reference therein to the Director of the Office of Civil and Defense Mobilization, and for each reference therein to the Office and Defense Mobilization except that in the penultimate sentence of Section 2, the following: "the Office of Emergency Planning [now Office of Emergency Preparedness] or the Department of Defense or both, as may be determined under the provisions of appropriate Executive orders".

(c) Executive Order No. 10421 of December 31, 1952 [set out as a note under section 404 of this title], is hereby amended by inserting before the period at the end of Section 3(b)(9) thereof a comma and the following: "including recommendations as to actions necessary to strengthen the program provided for in this order".

(d) Executive Order No. 10529 of April 22, 1954 [set out as a note under section 2292 of this Appendix], is hereby amended by substituting for each reference therein to the Director of the Office of Civil and Defense Mobilization the following: "the Director of the Office of Emergency Planning [now Office of Emergency Preparedness] or the Secretary of Defense or both as may be determined under appropriate Executive orders".

(e) Executive Order No. 10582 of December 17, 1954 [set out as a note under section 10d of Title 41, Public Contracts], is hereby amended by striking from Section 3(d) thereof the words "from any officer of the Government designated by the President to furnish such advice" and by inserting in lieu of the stricken words the following: "from the Director of the Office of Emergency Planning. In providing this advice the Director shall be governed by the principle that exceptions under this section shall be made only upon a clear showing that

the payment of a greater differential than the procedures of this section generally prescribe is justified by consideration of national security".

(f) Executive Order No. 10789 of November 14, 1958 [set out as a note under section 1431 of this title], is hereby amended by striking from Section 21 thereof the words "Office of Civil and Defense Mobilization".

SEC. 604. *Superseded orders.* To the extent that the following have not heretofore been made or become inapplicable, they are hereby superseded and revoked:

(1) Executive Order No. 9981 of July 26, 1948
(2) Executive Order No. 10219 of February 28, 1951
(3) Executive Order No. 10269 of July 6, 1951
(4) Executive Order No. 10438 of March 13, 1953
(5) Executive Order No. 10461 of June 17, 1953
(6) Executive Order No. 10524 of March 31, 1954
(7) Executive Order No. 10539 of June 22, 1954 (without prejudice to final liquidation of any affairs thereunder)
(8) Executive Order No. 10638 of October 10, 1955
(9) Executive Order No. 10773 of July 1, 1958
(10) Executive Order No. 10782 of September 6, 1958
(11) Executive Order No. 10902 of January 9, 1961

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EXECUTIVE ORDER NO. 10611

Ex. Ord. No. 10611, May 11, 1955, 20 F.R. 3245, which related to establishment of the Civil Defense Coordinating Board, was revoked by section 7(7) of Ex. Ord. No. 10773, formerly set out as a note under this section.

EX. ORD. NO. 10186. ESTABLISHMENT OF THE FEDERAL CIVIL DEFENSE ADMINISTRATION

Ex. Ord. No. 10186, Dec. 1, 1950, 15 F.R. 8557, established the Federal Civil Defense Administration in the Office for Emergency Management of the Executive Office of the President, provided for the appointment of an Administrator and a Deputy Administrator, and delineated the purposes, functions, and authority of the Administration and the Administrator.

EXECUTIVE ORDER NO. 11426

Ex. Ord. No. 11426, Aug. 31, 1968, 33 F.R. 12615, formerly set out as a note under this section, which provided for federal-state liaison and cooperation, was superseded by Ex. Ord. No. 11455, Feb. 14, 1969, 34 F.R. 2299, set out as a note under section 4271 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

§ 2272. Civil Defense Advisory Council; establishment; duties; composition; tenure; meetings; additional advisory committees; compensation.

(a) There is created a Civil Defense Advisory Council, hereinafter referred to as the Council, which shall advise and consult with the Administrator with respect to general or basic policy matters relating to civil defense. The Council shall consist of the Administrator, who shall be chairman, and twelve additional members to be appointed by the President, of whom three members shall be representative of the State governments, three members shall be representative of the political subdivisions of the States and the remaining members shall be selected among the citizens of the United States of broad and varied experience in matters affecting the public interest, other than officers and employees of the United States (including any department or agency of the United States) who, as such, regularly receive compensation for current services. The following organizations shall be invited to establish panels of names for the members representative of the States and the political subdivisions thereof:

The Council of State Governments.

The Governor's Conference.

The American Municipal Association.

The United States Conference of Mayors.

The representatives of the States and the political subdivisions thereof appointed by the President shall be selected from the panels established by the above-mentioned organizations. Not more than a majority of two of the members shall be appointed to the Council from the same political party. Each member shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after January 12, 1951, shall expire, as designated by the President at the time of appointment, four at the end of one year, four at the end of two years and four at the end of three years, after January 12, 1951. The Council shall meet at least once in each calendar year and at such other times as the Administrator shall determine that its advice and counsel will be of assistance to the program.

(b) The Administrator may appoint such other advisory committees as are deemed necessary.

(c) The members of the Council and the members of any other advisory committees, other than the Administrator, may be compensated at rates not in excess of those prescribed in section 401 (b) of this Act [section 2253 (b) of this Appendix]. (Jan. 12, 1951, ch. 1228, title I, § 102, 64 Stat. 1247.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Plan consolidated the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President. The Plan also transferred to the Office of Emergency Planning the functions of the Civil Defense Advisory Council.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2281 to 2284, 2291 to 2297 of this Appendix.

TITLE III—POWERS AND DUTIES

§ 2281. Functions of Administrator.

The Administrator is authorized, in order to carry out the above-mentioned purposes, to—

(a) Preparation of plans for civil defense.

Prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, the Congress and the several States advised of the status of civil defense in the United States;

(b) Delegation of civil defense responsibilities.

Delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities, and review and coordinate the civil defense activities of the departments and agencies with each

other and with the activities of the States and neighboring countries;

(c) Establishment of civil defense communications; dissemination of warnings.

Make appropriate provision for necessary civil defense communications and for dissemination of warnings of enemy attacks to the civilian population;

(d) Development of protective measures; shelters; and equipment.

Study and develop civil defense measures designed to afford adequate protection of life and property, including, but not limited to, research and studies as to the best methods of treating the effects of attacks; developing shelter designs and materials for protective covering or construction; and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements;

(e) Training programs; establishment of a college and technical training schools.

Conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or classes, including the payment of travel expenses, in accordance with the Travel Expenses Act of 1949, as amended [section 5701 et seq. of Title 5] and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Administrator; and provide instructors and training aids as deemed necessary:

Provided, That the terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses: *Provided further,* That the authority to pay travel and per diem expenses of students as authorized by this subsection shall terminate on June 30, 1972: *Provided further,* That not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection: *Provided further,* That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress.

(f) Dissemination of information.

Publicly disseminate appropriate civil defense information by all appropriate means;

(g) Encouragement of State civil defense work.

Assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist to the extent feasible in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of an attack which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or undergoing an attack: *Provided,* That a copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of the Congress shall be granted to each such compact, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such sixty-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact: *Provided,* That nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact;

(h) Acquisition of necessary defense materials and facilities.

Procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof: *Provided,* That facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended [section 255 of Title 40]: *Provided further,* That the Administrator shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection: *Provided further,* That the Administrator is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress: *Provided further,* That until June 30, 1972, the Administrator is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Administrator, shall prescribe.

(i) Financial aid to States.

Make financial contributions on the basis of programs or projects approved by the Administrator, to the States for civil defense purposes, including, but not limited to the, procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Administrator shall prescribe, including, but not limited to, the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities: *Provided,* That no contributions shall be made for the procurement of land: *Provided further,* That retroactive financial contributions which were

otherwise approvable, approved and made to the States prior to June 30, 1960, to carry out the purposes of this subsection are hereby ratified and affirmed: *Provided further,* That after June 30, 1964, no contribution shall be made for the purchase of personal equipment for State or local civil defense workers: *Provided further,* That the amounts authorized to be contributed by the Administrator to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws: *Provided further,* That financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Administrator for such facilities in each fiscal year and apportioning same among the States in the ratio which the urban population of the critical target areas (as determined by the Administrator, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States: *Provided further,* That the amounts authorized to be contributed by the Administrator to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Administrator may reallocate same to other States on the formula outlined above: *Provided further,* That the value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share: *Provided further,* That the amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State civil defense programs or projects approved by the Administrator: *Provided further,* That the Administrator shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1) is intended for use, in whole or in part, for any purpose other than civil defense and (2) is of such kind that upon completion it will, in his judgment, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost, except that (subject to the foregoing provisos of this subsection) he may make contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which he shall determine to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in his judgment, necessary for the use of such facility for civil defense purposes. *Provided,* That the Administrator shall report not less often than quarterly to the Congress all contributions made pursuant to this subsection: *Provided further,* That all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under the provisions of this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended [sections 276 to 276a–5 of Title 40], and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this proviso, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267) [set out in the Appendix to Title 5], and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended) [section 276(c) of Title 40].

(j) Sale and disposition of surplus property.

Arrange for the sale or disposal of materials and facilities found by the Administrator to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property in the Federal Property and Administrative Services Act of 1949, as amended, and any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts. (Jan. 12, 1951, ch. 1228, title II, § 201, 64 Stat. 1248; Mar. 5, 1952, ch. 78, § 1 (a), 66 Stat. 13; June 25, 1952, ch. 461, 66 Stat. 158; Aug. 2, 1956, ch. 888, § 1, 70 Stat. 949; Aug. 8, 1958, Pub. L. 85–606, § 3 (a) (1), (2), (b), (c), 72 Stat. 532, 533; Oct. 4, 1961, Pub. L. 87–390, 75 Stat. 820; June 30, 1964, Pub. L. 88–335, 78 Stat. 231; June 10, 1968, Pub. L. 90–336, 82 Stat. 175.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (j), is act June 30, 1949, ch. 288, 63 Stat. 378. Titles I–IV and VI–VIII thereof are classified to chapters 10 and 16 of Title 40, Public Buildings Property and Works, and chapter 4 of Title 41, Public Contracts. Title V thereof was classified to former chapter 11 of Title 44, Public Printing and Documents, but was repealed by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1309. The subject matter of such former title V is now covered by chapters 21, 25, 27, 29, and 31 of Title 44.

AMENDMENTS

1968—Subsec. (e). Pub. L. 90–336 extended the termination date on the authorization to pay travel and per diem expenses of students from June 30, 1968 to June 30, 1972.

Subsec. (h). Pub. L. 90–336 extended the expiration date on the Administrator's authority to procure and maintain various devices from June 30, 1968 to June 30, 1972.

1964—Subsec. (e). Pub. L. 88–335 extended the termination date on the authorization to pay travel and per diem expenses of students from June 30, 1964 to June 30, 1968.

Subsec. (h). Pub. L. 88–335, extended the expiration date on the administrator's authority to procure and maintain various devices from June 30, 1964 to June 30, 1968.

1961—Subsec. (i). Pub. L. 87–390 ratified and affirmed retroactive financial contributions which were otherwise approvable, approved and made to the States prior to June 30, 1960, to carry out the purposes of this subsection.

1958—Subsec. (e). Pub. L. 85–606, § 3(a) (1), (2), required that the terms prescribed for the payment of travel

expenses and per diem allowances include a provision that such payment shall not exceed one-half of the total cost of such expenses, and provided that the authority to pay travel and per diem expenses of students shall terminate on June 30, 1964.

Subsec. (h). Pub. L. 85-606, § 3(b), authorized the Administrator to procure, maintain, and distribute radiological instruments and detection devices, protective masks, and gas detection kits.

Subsec. (i). Pub. L. 85-606, § 3(c), substituted provisos prohibiting contributions for the procurement of land and for the purchase of personal equipment for State or local civil defense workers for proviso which prohibited contributions for State or local personnel and administrative expenses, or for items of personal equipment for State or local workers, or for the procurement of land, except as provided in section 2293(d) of this Appendix, omitted provisions which authorized variance of limitations contained in second, third, and fourth provisos for the Territory of Alaska and which required withholding or limiting of financial assistance whenever the State failed to spend funds in accordance with the terms and conditions governing the Federal contribution, and added proviso requiring payment of laborers and mechanics at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

1956—Subsec. (e). Act Aug. 2, 1956, authorized Administrator to pay travel expenses and per diem allowances in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors.

1952—Subsec. (e). Act June 25, 1952, gave the Administrator authority to lease real property but not to acquire fee title under this subsection.

Subsec. (h). Act June 25, 1952, gave the Administrator authority to lease real property but not to acquire real property under this subsection.

Subsec. (i). Act Mar. 5, 1952, removed certain limitations on matching funds by the Administrator for use in Alaska.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Plan consolidated the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

APPROPRIATIONS FOR TRAVEL EXPENSES AND PER DIEM ALLOWANCES TO TRAINEES

Section 2 of act Aug. 2, 1956, which authorized to be appropriated not more than $100,000 annually for the payment of travel expenses and per diem allowances, was repealed by § 3(a)(3) of Pub. L. 85-606.

DELEGATION OF FUNCTIONS

Functions under subsec. (h) of this section respecting the stockpiling of medical supplies and equipment delegated to the Secretary of Health, Education, and Welfare, and functions under said subsec. (h) respecting the stockpiling of food delegated to the Secretary of Agriculture, see sections 101(a) and 201(a) of Ex. Ord. No. 10958, Aug. 14, 1961, 26 F.R. 7571, set out as a note under section 2271 of this Appendix.

ABOLITION OF BOARD

National Security Resources Board was abolished and functions of the Chairman of the Board, with certain exceptions, transferred to the Director of the Office of Defense Mobilization, by sections 2(a), 6 of 1953 Reorg. Plan No. 3, eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Civil defense procurement fund, see section 2264 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2282 to 2284, 2286, 2291 to 2297 of this Appendix; title 40 section 484; title 42 section 1855cc.

§ 2282. Definition of "national defense" or "defense".

The terms "national defense" or "defense" as used in title II of the Defense Production Act of 1950 [former section 2081 of this Appendix] shall be construed to include "civil defense" as defined in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix]. (Jan. 12, 1951, ch. 1228, title II, § 202, 64 Stat. 1251.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281, 2283, 2284, 2286, 2291 to 2297 of this Appendix.

§ 2283. Mutual aid pacts between States and neighboring countries.

The Administrator shall give all practicable assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries. (Jan. 12, 1951, ch. 1228, title II, § 203, 64 Stat. 1251.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 tat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Plan consolidated the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281, 2282, 2284, 2286, 2291 to 2297 of this Appendix

§ 2284. Identity insignia; manufacture, possession, or wearing; penalties.

The Administrator may prescribe insignia, arm bands, and other distinctive articles (including designs previously covered under Letters Patent which were assigned to the United States and held by the Office of Civilian Defense created by Executive Order Numbered 8757 issued May 20, 1941) which may be manufactured for or possessed or worn by persons engaged in civil defense activities pursuant to rules and regulations for the manufacture, possession, or wearing thereof established by the Administrator. The manufacture, possession, or wearing of any such insignia, arm band, or other distinctive article otherwise than in accordance with such rules and regulations shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both. (Jan. 12, 1951, ch. 1228, title II, § 204. 64 Stat. 1251.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Plan consolidated the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2283, 2286, 2291 to 2297 of this Appendix.

§ 2285. Real property transactions.

(a) Reports to the Armed Services Committees.

The Director of the Office of Civil and Defense Mobilization, or his designee, may not enter into any of the following listed transactions by or for the use of that agency until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives:

(1) An acquisition of fee title to any real property, if the estimated price is more than $50,000.

(2) A lease of any real property to the United States, if the estimated annual rental is more than $50,000.

(3) A lease of real property owned by the United States, if the estimated annual rental is more than $50,000.

(4) A transfer of real property owned by the United States to another Federal agency or to a State, if the estimated value is more than $50,000.

(5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than $50,000.

If a transaction covered by clause (1) or (2) [of this subsection] is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

(b) Quarterly reports to Armed Services Committees.

The Director of the Office of Civil and Defense Mobilization shall report quarterly to the Committees on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) [of this section] that involve an estimated value of more than $5,000 but not more than $50,000.

(c) Real property governed by this section.

This section applies only to real property in the States of the Union, the District of Columbia, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

(d) Recital of compliance in instrument of conveyance as conclusive.

A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive. (Aug. 10, 1956, ch. 1041, § 43, 70 A Stat. 636; June 25, 1959, Pub. L. 86–70, § 37, 73 Stat. 150; June 8, 1960, Pub. L. 86–500, title V, § 512, 74 Stat. 187; June 12, 1960, Pub. L. 86–624, § 38, 74 Stat. 421.)

CODIFICATION

Section was not enacted as a part of the Federal Civil Defense Act of 1950 which comprises sections 2251—2284, 2286 and 2291—2297 of this Appendix.

AMENDMENTS

1960—Subsec. (a). Pub. L. 86–500 substituted "Director of the Office of Civil and Defense Mobilization" for "Administrator of the Federal Civil Defense Administration", prohibited the Director from entering into any of the transactions listed in subsec. (a) until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives, and increased the amounts in clauses (1)—(5) from $25,000 to $50,000.

Subsec. (b). Pub. L. 86–500 substituted "Director of the Office of Civil and Defense Mobilization" for "Administrator" and "$50,000" for "$25,000."

Subsec. (c). Pub. L. 86–624 substituted "States of the Union, the District of Columbia" for "United States, Hawaii." Pub. L. 68–500 eliminated ", Hawaii," following "United States."

Subsec. (d). Pub. L. 86–500 reenacted subsection without change.

1959—Subsec. (c). Pub. L. 86–70 eliminated "Alaska," following "United States,".

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administrator were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Civil and Defense Mobilization in the Executive Office of the President. Subsequent amendments to the plan subsequently substituted the Office of Emergency Preparedness for the Office of Civil and Defense Mobilization.

§ 2286. Financial contributions to States for personnel and administrative expenses.

To further assist in carrying out the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], the Administrator is authorized to make financial contributions to the States (including interstate civil defense authorities established pursuant to section 201(g) of this Act [section 2281(g) of this Appendix]) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Administrator) for the civil defense of the States: *Provided,* That the financial contributions to the States for the purposes of this section shall not exceed one-half of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

(a) Requirements of plan.

Plans submitted under this section shall

(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them, and be administered or supervised by a single State agency;

(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Administrator;

(4) provide for the employment of a full-time civil defense director, or deputy director, by the State, and for such other methods of administration, including methods relating to the establishment and maintenance of personnel standards on the merit basis (except that the Administrator shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as the Administrator shall find to be necessary and proper for the operation of the plan;

(5) provide that the State shall make such reports in such form and content as the Administrator may require;

(6) make available to duly authorized representatives of the Administrator and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

(b) Establishment of other terms and conditions by Administrator.

The Administrator shall establish such other terms and conditions as he may deem necessary and proper.

(c) Applicability of other laws.

In carrying out the provisions of this section, the provisions of section 201(g) [section 2281(g) of this Appendix] and 401(h) of this Act [section 2253(h) of this Appendix] shall apply.

(d) Allocation to States.

For each fiscal year concerned, the Administrator shall allocate to each State, in accordance with his regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States shall give due regard to (1) the criticality of the target and support areas with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Administrator shall prescribe: *Provided,* That the Administrator may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: *Provided further,* That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein.

(e) Failure to submit plan; reallocation.

In the event a State fails to submit an approvable plan as required by this section within sixty days after the Administrator notifies the States of the allocations hereunder, the Administrator may reallocate such funds, or portions thereof, among the other States in such amounts as, in his judgment will best assure the adequate development of the civil defense capability of the Nation.

(f) Report to the Congress.

The Administrator shall report annually to the Congress all contributions made pursuant to this section.

(g) Definition.

As used in this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], the term "State" shall include interstate civil defense authorities established under section 201(g) [section 2281(g) of this Appendix].

(h) Termination date.

The provisions of this section terminate on June 30, 1972. (Jan. 12, 1951, ch. 1228, title II, § 205, as added Aug. 8, 1958, Pub. L. 85-606, § 4, 72 Stat. 533, and amended June 30, 1964, Pub. L. 88-335, 78 Stat. 231; June 10, 1968, Pub. L. 90-336, 82 Stat. 175.)

AMENDMENTS

1968—Subsec. (h). Pub. L. 90-336 extended the termination date from June 30, 1968 to June 30, 1972.

1964—Subsec. (h). Pub. L. 88-335 extended the termination date from June 30, 1964 to June 30, 1968.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Plan consolidated the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2297 of this Appendix.

PUB. L. 89-568, SEPT. 12, 1966, 80 STAT. 756

§ 2287. Fallout protection.

(a) On and after the date of enactment of this Act [September 12, 1966] all construction authorized in annual military construction authorization Acts shall be designed using techniques developed by the Office of Civil Defense to maximize fallout protection, where such can be done without impairing the purpose for which the construction is authorized or the effectiveness of the structure, unless exempted from this requirement under regulations prescribed by the Secretary of Defense or his designee.

(b) The Secretary of Defense shall make appropriate provision for the utilization of technical design and construction methods in the preparation of design and construction plans and in construction under this Act or hereafter authorized to assure carying out the purposes of this section; and for such purposes expenditures on individual projects shall not exceed one per centum of the amount authorized for that project: *Provided, however,* That this authorization may be averaged and applied to a single facility of two or more facilities, or among projects on an installation, when such application will result in more fallout shelter space, or is needed to meet minimum fallout protection standards in such facilities or projects. (Pub. L. 89-568, title VI, § 610, Sept. 12, 1966, 80 Stat. 756; Pub. L. 90-110, title VIII, § 807, Oct. 21, 1967, 81 Stat. 308.)

REFERENCES IN TEXT

This Act, referred to in the text, means Pub. L. 89-568. For distribution of Pub. L. 89-568 in the Code, see Tables Volume.

CODIFICATION

Section was enacted as a part of the Military Construction Authorization Act, 1967 and not as a part of the Federal Civil Defense Act of 1950 which comprises sections 2251—2284, 2286, and 2291—2297 of this Appendix.

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-110 inserted "or hereafter authorized" and proviso for the averaging and application of the authorization to a single facility of two or more facilities or among projects on an installation when such application will result in more fallout shelter space or is needed to meet minimum fallout protection standards in such facilities or projects.

SIMILAR PROVISIONS

Provisions similar to this section were contained in the Military Construction Authorization Act, 1966, Pub. L. 89-188, title VI, § 608, Sept. 16, 1965, 79 Stat. 818.

TITLE IV—EMERGENCY AUTHORITY

§§ 2291. Sections 2291 to 2297 of this Appendix effective only during civil defense emergency; proclamation of emergency; termination.

The provisions of this title [sections 2291 to 2297 of this Appendix] shall be operative only during the existence of a state of civil defense emergency (referred to hereinafter in this title [said sections] as "emergency"). The existence of such emergency may be proclaimed by the President or by concurrent resolution of the Congress if the President in such proclamation, or the Congress in such resolution, finds that an attack upon the United States has occurred or is anticipated and that the national safety therefor requires an invocation of the provisions of this title [said sections]. Such emergency also shall exist with respect to any designated geographic area or areas of the United States when the President determines that any such attack has been made upon or is anticipated within such area or areas, and directs the Administrator to proceed pursuant to the provisions of this title [said sections] with respect to such area or areas. Any such emergency shall terminate upon the proclamation of the termination thereof by the President, or the passage by the Congress of a concurrent resolution terminating such emergency. (Jan. 12, 1951, ch 1228, title III, § 301, 64 Stat. 1251.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administrator were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

EMERGENCY PREPAREDNESS FUNCTIONS OF ATTORNEY GENERAL

Attorney General assigned emergency preparedness functions concerning civil defense, see section 3 of Ex. Ord. No. 11310, Oct. 11, 1966, 31 F.R. 13199, set out as a note under section 509 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2292 to 2297 of this Appendix.

§ 2292. Utilization of Federal departments and agencies.

During the period of such emergency, under such terms and conditions as to donation, compensation, or return as may be prescribed, and solely for civil defense purposes, the President may direct, after taking into consideration the military requirements of the Department of Defense, any Federal department or agency to provide, and such departments and agencies are authorized to provide—

(a) their personnel, materials, and facilities to the Administrator for the aid of the States;

(b) emergency shelter by construction or otherwise; and

(c) on public or private lands, protective and other work essential for the preservation of life and property, for clearing debris and wreckage, and for making emergency repairs to, and temporary replacement of, communications, hospitals, utilities, transportation facilities, or public facilities of States or their political subdivisions damaged or destroyed by attack. (Jan. 12, 1951, ch. 1228, title III, § 302, 64 Stat. 1252.)

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

DEFENSE ASPECTS OF HIGHWAYS, CONSULTATIONS

Duty of Secretary of Commerce to consult with Federal Civil Defense Administrator regarding civil defense aspects of highways, see section 310 of Title 23, Highways.

EXECUTIVE ORDER NO. 10346

Ex. Ord. No. 10346, Apr. 18, 1952, 17 F.R. 3477, as amended by Ex. Ord. No. 10438, Mar 18, 1958, 18 FR 1491; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept 8, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 28, 1962, 27 F.R. 9683, formerly set out as a note under this section, related to the preparation by federal agencies of civil defense emergency plans, and was revoked by Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under this section.

EX. ORD. NO. 10529. FEDERAL EMPLOYEE PARTICIPATION IN STATE AND LOCAL CIVIL DEFENSE PROGRAMS

Ex. Ord. No. 10529, Apr. 23, 1954, 19 F. R. 2397, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 28, 1962, 27 F.R. 9683, provided:

Section 1. In arranging for the use of personnel of Federal departments and agencies for civil-defense purposes in time of emergency and for their coordination with State and local civil-defense plans in consonance with the provisions of section 3 of Executive Order No. 10346 of April 17, 1952 [formerly set out as a note under this section], the Director of the Office of Emergency Planning [now Office of Emergency Preparedness] or the Secretary of Defense or both, as may be determined under appropriate Executive Orders, after consultation with the head of a department or agency, may recommend that the services of such personnel of the said department or agency as have volunteered their services and have been selected for civil-defense assignments be made available for participation in the program of a State or of any political subdivision thereof for training, prior to an emergency, in the performance of civil-defense duties.

Sec. 2. After consideration of the recommendation of the Director of the Office of Emergency Planning [now Office of Emergency Preparedness] or the Secretary of Defense or both, as may be determined under appropriate Executive Orders, the head of a Federal department or agency, or such officer as the head thereof may designate, may from year to year authorize such of the said personnel of such department or agency as he may designate to participate in pre-emergency training programs and test exercises in cooperation with any State or political sub-division thereof, and such duties shall be performed on assignment by the particular Federal department or agency, subject to the following conditions:

(a) Personnel so assigned shall at all times remain subject to the administrative jurisdiction and control of their Federal department or agency;

(b) The period of official time that may be authorized for any such assignment pursuant to this order shall not exceed a total of forty working hours for any person during a calendar year; and

(c) There shall be satisfactory evidence from State or local civil defense authorities that such personnel served or participated in such programs or exercises pursuant to specific request of a public governmental body or organization established pursuant to and in accordance with a State civil defense law.

Sec. 3. During any period or periods in which such personnel shall be engaged in said civil-defense training duties under authority of this order, they shall continue to be compensated in usual course by their Federal department or agency, and shall continue in their status

as Federal employees for all purposes. Where travel is involved in connection with the performance of such training duties, travel allowances and expenses may be authorized in accordance with the Standardized Government Travel Regulations.

Sec. 4. This order shall not be construed as restricting or limiting the activities of officers or employees of the Office of Emergency Planning in the performance of their functions and duties.

Sec. 5. As used in this Order:

(a) The term "personnel" shall mean persons who are in a full time pay status as civilian officers or employees of the United States Government.

(b) The term "State" shall mean any of the several States of the United States, the District of Columbia, each of the Territories and possessions of the United States, and the Commonwealth of Puerto Rico.

DWIGHT D. EISENHOWER

EX. ORD. NO. 11490. ASSIGNMENT OF EMERGENCY PREPAREDNESS FUNCTIONS TO FEDERAL AGENCIES AND DEPARTMENTS

Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567 as amended by Ex. Ord. No. 11522, Apr. 6, 1970, 35 F.R. 5659; Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193; provided:

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

WHEREAS this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799) [set out as a note under section 2271 of this Appendix], the National Security Act of 1947, as amended [section 401 et seq. of Title 50, War and National Defense], the Defense Production Act of 1950, as amended [section 2061 et seq. of this Appendix], and the Federal Civil Defense Act, as amended [section 2251 et seq. of this Appendix], it is hereby ordered as follows—

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PART 1.—PURPOSE AND SCOPE

SECTION 101 *Purpose.* This order consolidates the assignment of emergency preparedness functions to various departments and agencies heretofore contained in the 21 Executive orders and 2 Defense Mobilization orders listed in Section 3015 of this order. Assignments have been adjusted to conform to changes in organization which have occurred subsequent to the issuance of those Executive orders and Defense Mobilization orders.

SEC. 102 *Scope.* (a) This order is concerned with the emergency national planning and preparedness functions of the several departments and agencies of the Federal Government which complement the military readiness planning responsibilities of the Department of Defense; together, these measures provide the basic foundation for our overall national preparedness posture, and are fundamental to our ability to survive.

(b) The departments and agencies of the Federal Government are hereby severally charged with the duty of assuring the continuity of the Federal Government in any national emergency type situation that might confront the nation. To this end, each department and agency with essential functions, whether expressly identified in this order or not, shall develop such plans and take such actions, including but not limited to those specified in this order, as may be necessary to assure that it will be able to perform its essential functions, and continue as a viable part of the Federal Government, during any emergency that might conceivably occur. These include plans for maintaining the continuity of essential functions of the department or agency at the seat of government and elsewhere, through programs concerned with: (1) succession to office; (2) predelegation of emergency authority; (3) safekeeping of essential records; (4) emergency relocation sites supported by communications and required services; (5) emergency action steps; (6) alternate headquarters or command facilities; and (7) protection of Government resources, facilities, and personnel. The continuity of Government activities undertaken by the departments and agencies shall be in accordance with guidance provided by, and subject to evaluation by, the Director of the Office of Emergency Preparedness.

(c) In addition to the activities indicated above, the heads of departments and agencies described in Parts 2 through 29 of this order shall: (1) prepare national emergency plans, develop preparedness programs, and attain an appropriate state of readiness with respect to the functions assigned to them in this order for all conditions of national emergency; (2) give appropriate consideration to emergency preparedness factors in the conduct of the regular functions of their agencies, particularly those functions considered essential in time of emergency, and (3) be prepared to implement, in the event of an emergency, all appropriate plans developed under this order.

SEC. 103 *Presidential Assistance.* The Director of the Office of Emergency Preparedness, in accordance with the provisions of Executive Order No. 11051 of September 27, 1962 [set out as a note under section 2271 of this appendix], shall advise and assist the President in determining national preparedness goals and policies for the performance of functions under this order and in coordinating the performance of such functions with the total national preparedness program.

SEC. 104 *General and Specific Functions.* The functions assigned by Part 30, General Provisions, apply to all departments and agencies having emergency preparedness responsibilities. Specific functions are assigned to departments and agencies covered in Parts 2 through 29.

SEC. 105 *Construction.* The purpose and legal effect of the assignments contained in this order do not constitute authority to implement the emergency plans prepared pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

PART 2.—DEPARTMENT OF STATE

SECTION 201 *Functions.* The Secretary of State shall prepare national emergency plans and develop preparedness programs to permit modification or expansion of the activities of the Department of State and agencies, boards, and commissions under his jurisdiction in order to meet all conditions of national emergency, including attack upon the United States. The Secretary of State shall provide to all other departments and agencies overall foreign policy direction, coordination, and supervision in the formulation and execution of those emergency preparedness activities which have foreign policy implications, affect foreign relations, or depend directly or indirectly, on the policies and capabilities of the Department of State. The Secretary of State shall develop policies, plans, and procedures for carrying out his responsibilities in the conduct of the foreign relations of the United States under conditions of national emergency, including, but not limited to (1) the formulation and implementation, in consultation with the Department of Defense and other appropriate agencies, and the negotiation of contingency and post-emergency plans with our allies and of the intergovernmental agreements and arrangements required by such plans; (2) formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral States; (3) formulation and execution of political strategy toward hostile or enemy States, including the definition of war objectives and the political means for achieving those objectives; (4) maintenance of diplomatic and consular representation abroad; (5) reporting and advising on conditions overseas which bear upon the national emergency; (6) carrying out or proposing economic measures with respect to other nations, including coordination with the export control functions of the Secretary of Commerce; (7) mutual assistance activities such as ascertaining requirements of the civilian economies of other nations, making recommendations to domestic resource agencies for meeting such requirements, and determining the availability of and making arrangements for obtaining foreign resources required by the United States; (8) providing foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs, and determination of the value thereof; (9) protection or evacuation of American citizens and nationals abroad and safeguarding their property; (10) protection and/or control of international organization and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States; (11) documentary control of persons seeking to enter or leave the United States; and (12) regulation and control of exports of items on the munitions list.

PART 3.—DEPARTMENT OF THE TREASURY

SECTION 301 *Functions.* The Secretary of the Treasury shall develop policies, plans, and procedures for the performance of emergency functions with respect to (1) stabilization aspects of the monetary, credit, and financial system; (2) stabilization of the dollar in relation to foreign currencies: (3) collection of revenue; (4) regulation of financial institutions; (5) supervision of the Federal depository system; (6) direction of transactions in government securities; (7) tax and debt policies; (8) participation in bilateral and multilateral financial arrangements with foreign governments; (9) regulation of foreign assets in the United States and of foreign financial dealings (in consultation with the Secretaries of State and Commerce); (10) development of procedures for the manufacture and/or issuance and redemption of securities, stamps, coins, and currency; (11) development of systems for the issuance and payment of Treasury checks; (12) maintenance of the central government accounting and financial reporting system; (13) administration of customs laws, tax laws, and laws on control of alcohol, alcoholic beverages, tobacco, and firearms; (14) suppression of counterfeiting and forgery of government securities, stamps, coins, and currency; (15) protection of the President and the Vice President and other designated persons; (16) granting of loans (including participation in or guarantees of loans) for the expansion of capacity, the development of technological processes, or the production of essential material; and (17) to the extent that such functions have not been transferred to the Secretary of Transportation, enforcement of marine inspection and navigation laws.

SEC. 302 *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4.—DEPARTMENT OF DEFENSE

SECTION 401 *Functions.* In addition to the civil defense functions assigned to the Secretary of Defense by Executive Order No. 10952 [set out as a note under section 2271 of this Appendix], the Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnish quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting requirements for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Office of Emergency Preparedness in developing a national system of production urgencies.

(4) Advise and assist the Office of Emergency Preparedness in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Office of Emergency Preparedness measures for overcoming potential deficiences in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Office of Emergency Preparedness, for purposes of processing applications for defense loans under Title III of the Defense Production Act of 1950, as amended [sections 2091–2094 of this Appendix].

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Office of Emergency Preparedness in the development and review of standards for the strategic location and physical security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Office of Emergency Preparedness and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Office of Emergency Preparedness in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Office of Emergency Preparedness in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Office of Emergency Preparedness in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Office of Emergency Preparedness in (1) determining what key foreign facilities and operating rights thereto are important to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National censorship Agreement between the Department of Defense and the Office of Emergency Preparedness.

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working in United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Policy (35 F.R. 6421) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

PART 5.—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Preparedness, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act [section 1 et seq. of this Appendix].

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby

emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situtations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

PART 6.—POST OFFICE DEPARTMENT

SECTION 601 *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Post Office activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the Post Office Department.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Office of Emergency Preparedness)

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Civil Service Commission)

(d) Emergency leasing of space for Federal agencies. (General Services Administration)

(e) Registration of enemy aliens. (Department of Justice)

PART 7.—DEPARTMENT OF THE INTERIOR

SECTION 701 *Résumé of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702 *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, sub-bituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) [section 2011 et seq. of Title 42, Public Health and Welfare] obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means water from all sources except water after its withdrawal into a community system, or an emergency system for treatment, storage, and distribution for public use.

SEC. 703 *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop plans with respect to water, including plans for the treatment and disposal, after use, of water after its withdrawal into a community system or an emergency system for treatment, storage, and distribution for public use. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

PART 8.—DEPARTMENT OF AGRICULTURE

SECTION 801 *Résumé of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control, (4) defense against biological and chemical warfare and radiological fallout pertaining to agricultural activities; and (5) rural defense information and education.

SEC. 802 *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803 *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* In addition to the food stockpile functions identified in Executive Order No. 10958 [set out as a note under section 2271 of this Appendix] take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans

and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

SEC. 804 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Biological, chemical, and radiological warfare defense.* Develop plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops, or products thereof; (b) protective measures, treatment, and handling of livestock, including poultry, agricultural commodities on farms or ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Plans shall be developed for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from biological and chemical warfare, radiological effects, and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilities.

PART 9.—DEPARTMENT OF COMMERCE

SECTION 901 *Résumé of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities (except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Atomic Energy Commission), the control of all construction materials, and the furnishing of basic industrial services except those involving the following:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Production, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended [section 2011 et seq. of Title 42, Public Health and Welfare]; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction and use of highways, streets, and appurtenant structures.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(a) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capabilities, including, but not limited to:

(a) Meterological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968 [set out as a note under section 95a of Title 12, Banks and Banking].

SEC. 902 *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify and evaluate the national security essentiality of those products and services, and their producing or supporting facilities, which are of exceptional importance to mobilization readiness, national defense, or post-attack survival and recovery.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

SEC. 903 *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of

Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities.

SEC. 904 *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of post-attack surveys to provide information on the status of surviving populations and resources as required for the programs of the Office of Emergency Preparedness.

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

SEC. 905 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropirate.

PART 10.—DEPARTMENT OF LABOR

SECTION 1001 *Résumé of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002 *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1101 *Résumé of Responsibilities.* In addition to the medical stockpile functions identified in Executive Order No. 10958 [set out as a note under section 2271 of this Appendix], the Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, credit union operations, and educational programs as defined below.

SEC. 1102 *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of their specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services; rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to radiological, chemical, and biological warfare agents; sanitary aspects of disposal of the dead; food and milk sanitation; community soild waste disposal; emergency public water supply; and the determination of the health significance of water pollution and the provision of other services pertaining to health aspects of water use and water-borne wastes as set forth in an agreement between the Secretary of Health, Education and Welfare and the Secretary of the Interior, approved by the President, pursuant to Reorganization Plan No. 2 of 1966 [set out under the appendix to Title 5, Government Organization and Employees] which plan placed upon the Secretary of the Interior responsibilities for the prevention and control of water pollution. It shall

be understood that health services for the purposes of this order, however, do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication, wholesomeness of meat and meat products, and poultry and poultry products in establishments under continuous inspection service by the Department of Agriculture, veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Secretary of Agriculture, livestock, agricultural commodities stored or harvestable on farms and ranches, agricultural lands and water, and registration of pesticides.

(2) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Office of Emergency Preparedness after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Credit union operations" means the functions of any credit union, chartered either by a State or the Federal Government, in stimulating systematic savings by members, the investment and protection of those savings, providing loans for credit union members at reasonable rates, and encouraging sound credit and thrift practices among credit union members.

(7) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

SEC. 1103 *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Department of Defense under Executive Order No. 10952 [set out as a note under section 2271 of this Appendix], the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Emergency public water supply.* Prepare plans to assure the provision of usable water supplies for human consumption and other essential community uses in an emergency. This shall include inventorying existing community water supplies, planning for other alternative sources of water for emergency uses, setting standards relating to human consumption, and planning community distribution. In carrying on these activities, the Department shall have primary responsibility but will make maximum use of the resources and competence of State and local authorities, the Department of the Interior, and other Federal agencies.

(3) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(4) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(5) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(6) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

SEC. 1104 *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952 [set out as a note under section 2271 of this appendix], the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare services in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

SEC. 1105 *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program [section 1395 et seq. of Title 42, Public Health and Welfare].

SEC. 1106 *Credit Union Functions.* With respect to credit union functions, the Secretary of Health, Education, and Welfare shall:

(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States

in order to guarantee continuity of credit union operations.

(2) *Economic stabilization.* Provide guidance to credit unions that will contribute to stabilization of the Nation's economy by helping to establish and maintain a sound economic base for combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.

SEC. 1107 *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be effected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Department of Defense, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

PART 12.—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 1201 *Résumé of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202 *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203 *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204 *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Office of Emergency Preparedness, develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

SEC. 1205 *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952 [set out as a note under section 2271 of this Appendix], the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

PART 13.—DEPARTMENT OF TRANSPORTATION

SECTION 1301 *Résumé of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership in transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of over-all national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity, or any portion thereof, to meet over-all essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and non-governmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Nation's transportation systems; and

(7) Provisions for port security and safety, for aids to maritime navigation, and for search and rescue and law enforcement over, upon, and under the navigable waters of the United States and the high seas.

SEC. 1302 *Transportation Planning and Coordination Functions.*

In carrying out the provisions of Section 1301, the Secretary of Transportation, with assistance and support of other Federal, State and local governmental agencies, and the transport industries, as appropriate, shall:

(1) Obtain, assemble, analyze, and evaluate data on current and projected emergency requirements of all claimants for all forms of civil transportation to meet the needs of the military and of the civil economy, and on current and projected civil transportation resources—of all forms—available to the United States to move passengers or materials in an emergency.

(2) Develop plans and procedures to provide—under emergency conditions—for the collection and analysis of passenger and cargo movement demands as they relate to the capabilities of the various forms of transport, including the periodic assessment of over-all transport resources available to meet emergency requirements.

(3) Conduct a continuing analysis of transportation requirements and capabilities in relation to economic projections for the purpose of initiating actions and/or recommending incentive and/or regulatory programs designed to stimulate government and industry improvement of the structure of the transportation system for use in an emergency.

(4) Develop systems for the control of the movement of passengers and cargo by all forms of transportation, except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, including allocation of resources and assignment of priorities, and develop policies, standards, and procedures for emergency enforcement of these controls.

SEC. 1303 *Departmental Emergency Transportation Preparedness.* Except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, the Secretary of Transportation shall prepare emergency operational plans and programs for, and develop a capability to carry out, the transportation operating responsibilities assigned to the Department, including but not limited to:

(1) Allocating air carrier civil air transportation capacity and equipment to meet civil and military requirements.

(2) Emergency management, including construction, reconstruction, and maintenance of the Nation's civil airports, civil aviation operating facilities, civil aviation services, and civil aircraft (other than air carrier aircraft), except manufacturing facilities.

(3) Emergency management of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and appurtenant structures, including:

(a) The adaptation, development, construction, reconstruction, and maintenance of the Nation's highway and street systems to meet emergency requirements;

(b) The protection of the traveling public by assisting State and local authorities in informing them of the dangers of travel through hazardous areas; and

(c) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units or other agencies concerned.

(4) Emergency plans for urban mass transportation, including:

(a) Providing guidance to urban communities in their emergency mass transportation planning efforts, either directly or through State, regional, or metropolitan agencies;

(b) Coordinating all such emergency planning with the Department of Housing and Urban Development to assure compatibility with emergency plans for all other aspects of urban development;

(c) Maintaining an inventory of urban mass transportation systems.

(5) Maritime safety and law enforcement over, upon, and under the high seas and waters, subject to the jurisdiction of the United States, in the following specific programs:

(a) Safeguarding vessels, harbors, ports, and waterfront facilities from destruction, loss or injury, accidents, or other causes of a similar nature.

(b) Safe passage over, upon, and under the high seas and United States waters through effective and reliable systems of aids to navigation and ocean stations.

(c) Waterborne access to ice-bound locations in furtherance of national economic, scientific, defense, and consumer needs.

(d) Protection of lives, property, natural resources, and national interests through enforcement of Federal law and timely assistance.

(e) Safety of life and property through regulation of commercial vessels, their officers and crew, and administration of maritime safety law.

(f) Knowledge of the sea, its boundaries, and its resources through collection and analysis of data in support of the national interest.

(g) Operational readiness for essential wartime functions.

(6) Planning for the emergency management and operation of the Alaska Railroad, and for the continuity of railroad and petroleum pipeline safety programs.

(7) Planning for the emergency operation and maintenance of the United States-controlled sections of the Saint Lawrence Seaway.

PART 14.—ATOMIC ENERGY COMMISSION

SECTION 1401 *Functions.* The Atomic Energy Commission shall prepare national emergency plans and develop preparedness programs for the continuing conduct of atomic energy activities of the Federal Government. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States and, consistent with applicable provisions of the Atomic Energy Act of 1954, as amended [section 2011 et seq. of Title 42, Public Health and Welfare], shall be closely coordinated with the Department of Defense and the Office of Emergency Preparedness. The Atomic Energy Commission shall:

(1) *Production.* Continue or resume in an emergency essential (a) manufacture, development, and control of nuclear weapons and equipment, except to the extent that the control over such weapons and equipment shall have been transferred to the Department of Defense; (b) development and technology related to reactors; (c) process development and production of feed material, special nuclear materials, and other special products; (d) related raw materials procurement, processing, and development; and (e) repair, maintenance, and construction related to the above.

(2) *Regulation.* Continue or resume in an emergency (a) controlling the possession, use, transfer, import, and export of atomic materials and facilities; and (b) ordering the operation or suspension of licensed facilities, and recapturing from licensees, where necessary, special nuclear materials whether related to military support or civilian activities.

(3) *Public health and safety.* Shut down, where required, in anticipation of an imminent enemy attack on the United States, and maintain under surveillance, all Commission-owned facilities which could otherwise constitute a significant hazard to public health and safety, and insure the development of appropriate emergency plans for nuclear reactors and other nuclear activities licensed by the Commission whether privately-owned or Government-owned.

(4) *Scientific, technical, and public atomic energy information.* Organize, reproduce, and disseminate appropriate public atomic energy information and scientific and technical reports and data relating to nuclear science research, development, engineering, applications, and effects to interested Government agencies, the scientific and technical communities, and approved, friendly, and cooperating foreign nations.

(5) *International atomic energy affairs.* Maintain, in consultation with the Department of State, essential liaison with foreign nations with respect to activities of mutual interest involving atomic energy.

(6) *Health services.* Assist the Department of Health, Education, and Welfare, consistent with the above requirements, in integrating into civilian health programs in an emergency the Commission's remaining health manpower and facilities not required for the performance of the Commission's essential emergency functions.

(7) *Priorities and allocations.* Plan for the administration of any priorities and allocations authority delegated

to the Atomic Energy Commission. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

PART 15.—CIVIL AERONAUTICS BOARD

SECTION 1501 *Definitons.* As used in this part:

(1) "War Air Service Program" (hereinafter referred to as WASP) means the program designed to provide for the maintenance of essential civil air routes and services, and to provide for the distribution and redistribution of air carrier aircraft among civil air transport carriers after withdrawal of aircraft allocated to the Civil Reserve Air Fleet.

(2) "Civil Reserve Air Fleet" (hereinafter referred to as CRAF) means those air carrier aircraft allocated by the Secretary of Transportation to the Department of Defense to meet essential military needs in the event of an emergency.

SEC. 1502 *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall:

(1) *Distribution of aircraft.* Develop plans and be prepared to carry out such distribution and redistribution of all air carrier civil aircraft allocated by the Secretary of Transportation among the civil air transport carriers as may be necessary to assure the maintenance of essential civil routes and services under WASP operations after the CRAF requirements have been met.

(2) *Economic regulations.* Develop plans covering route authorizations and operations, tariffs, rates, and fares charged the public, mail rates, government compensation and subsidy, and accounting and contracting procedures essential to WASP operations.

(3) *Operational controls and priorities.* Develop plans and procedures for the administration of operational controls and priorities of passenger and cargo movements in connection with the utilization of air carrier aircraft for WASP purposes in an emergency.

(4) *Investigation.* Maintain the capability to investigate violations of emergency economic regulations affecting air carrier operations.

(5) *Contracting.* Prepare to perform as a contracting agency, if such an agency is necessary, in connection with distribution and redistribution of aircraft for WASP.

PART 16.—EXPORT-IMPORT BANK OF THE UNITED STATES

SECTION 601 *Functions.* (a) Under guidance of the Secretary of the Treasury, the Export-Import Bank shall develop plans for the utilization of the resources of the Bank, or other resources made available to the Bank, in expansion of productive capacity abroad for essential materials, foreign barter arrangements, acquisition of emergency imports, and in support of the domestic economy, or any other plans designed to strengthen the relative position of the Nation and its allies.

(b) In carrying out the guidance functions described above, the Secretary of the Treasury shall consult with the Secretary of State and the Secretary of Commerce as appropriate.

PART 17.—FEDERAL BANK SUPERVISORY AGENCIES

SECTION 1701 *Financial Plans and Programs.* The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, and the Federal Deposit Insurance Corporation shall participate with the Office of Emergency Corporation shall participate with the Treasury, and other agencies in the formulation of emergency financial and stabilization policies. The heads of such agencies shall, as appropriate, develop emergency plans, programs, and regulations, in consonance with national emergency financial and stabilization plans and policies, to cope with potential economic effects of mobilization or an attack, including, but not limited to, the following:

(1) *Money and credit.* Provision and regulation of money and credit in accordance with the needs of the economy, including the acquisition, decentralization, and distribution of emergency supplies of currency; the collection of cash items and non-cash items; and the conduct of fiscal agency and foreign operations.

(2) *Financial institutions.* Provision for the continued or resumed operation of banking, savings and loan, and farm credit institutions, including measures for the recreation of evidence of assets or liabilities destroyed or inaccessible.

(3) *Liquidity.* Provision of liquidity necessary to the continued or resumed operation of banking, savings and loan, credit unions, and farm credit institutions, including those damaged or destroyed by enemy action.

(4) *Cash withdrawals and credit transfers.* Regulation of the withdrawal of currency and the transfer of credits including deposit and share account balances.

(5) *Insurance.* Provision for the assumption and discharge of liability pertaining to insured deposits and insured savings accounts or withdrawable shares in banking and savings and loan institutions destroyed or made insolvent.

SEC. 1702 *Sharing of war losses.* Heads of agencies shall, as appropriate, participate with the Office of Emergency Preparedness and the Department of the Treasury in the development of policies, plans, and procedures for implementation of national policy on sharing war losses.

PART 18.—FEDERAL COMMUNICATIONS COMMISSION

SECTION 1801 *Definitions.* As used in this part:

(1) "Common carrier" means any person subject to Commission regulation engaged in providing, for use by the public, for hire, interstate or foreign communications facilities or services by wire or radio; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(2) "Broadcast facilities" means those stations licensed by the Commission for the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

(3) "Safety and special radio services" includes those non-broadcast and non-common carrier services which are licensed by the Commission under the generic designation "safety and special radio services" pursuant to the Commission's Rules and Regulations.

SEC. 1802 *Functions.* The Federal Communications Commission shall develop policies, plans, and procedures, in consonance with national telecommunications plans and polices developed pursuant to Executive Order No. 10705 [set out as a note under section 606 of Title 47, Telegraphs, Telephones, and Radiotelegraphs], Executive Order No. 11556 [set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs], Executive Order No. 11051 [set out as a note under section 2271 of this Appendix], the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", and other appropriate authority, covering:

(1) *Common carrier service.* (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency, and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with overall national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(2) *Broadcasting service.* Construction, activation, or deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(3) *Safety and special radio services.* Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency.

(4) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(5) *Electromagnetic radiation.* Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in any emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(6) *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

PART 19.—FEDERAL POWER COMMISSION

SECTION 1901 *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in the areas as set forth in the Memorandum of Agreement dated August 9, 1962, between the Secretary of the Interior and the Chairman of the Federal Power Commission.

PART 20.—GENERAL SERVICES ADMINISTRATION

SECTION 2001 *Résumé of Responsibilities.* The Administrator of General Services shall prepare national emergency plans and develop preparedness programs designed to permit modification or expansion of the activities of the General Services Administration under the Federal Property and Administrative Services Act of 1949, as amended [see short title note under section 471 of Title 40, Public Buildings, Property and Works] and other statutes prescribing the duties and responsibilities of the Administrator. These plans and programs shall include, but not be limited to: (1) operation, maintenance, and protection of Federal buildings and their sites; construction, alteration, and repair of public buildings; and acquisition, utilization, and disposal of real and personal properties; (2) public utilities service management for Federal agencies; (3) telecommunications to meet the essential requirements of civilian activities of executive departments and agencies; (4) transportation management to meet the traffic service requirements of civilian activities of Federal agencies; (5) records management; (6) Emergency Federal Register; (7) Government-wide supply support; (8) service to survival items stockpiles; (9) national industrial reserve; (10) guidance and consultation to Government agencies regarding facilities protection measures; (11) administration of assigned functions under the Defense Production Act [section 2061 et seq. of this Appendix]; and (12) administration and operation of the stockpile of strategic and critical materials in accordance with policies and guidance furnished by the Office of Emergency Preparedness.

SEC. 2002 *Functions.* The Administrator of General Services shall:

(1) *Public buildings.* Develop emergency plans and procedures for the operation, maintenance, and protection of both existing and new Federally-owned and Federally-occupied buildings, and construction, alteration, and repair of public buildings. Develop emergency operating procedures for the control, acquisition, assignment, and priority of occupancy of real property by the Federal Government and by State and local governments to the extent they may be performing a function as agents of the Federal Government.

(2) *Public utility service management.* Develop emergency operational plans and procedures for the claimancy, procurement, and use of public utility services for emergency activities of executive agencies of the Government.

(3) *Communications.* Plan for and provide, operate, and maintain appropriate telecommunications facilities designed to meet the essential requirements of Federal civilian departments and agencies during an emergency within the framework of the National Communications System. Plans and programs of the Administrator shall be in consonance with national telecommunications policies, plans, and programs developed pursuant to Executive Order No. 10705 [set out as a note under section 606 of Title 47, Telegraphs, Telephones, and Radiotelegraphs], Executive Order No. 11556 [set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs], Executive Order No. 11051 [set out as a note under section 2271 of this Appendix], and the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System," or other appropriate authority.

(4) *Transportation.* Develop plans and procedures for providing (a) general transportation and traffic management services to civilian activities of Federal agencies in connection with movement of property and supplies, including the claimancy, contracting, routing, and accounting of Government shipments by commercial transportation in time of emergency; and (b) motor vehicle service to meet the administrative needs of Federal agencies, including dispatch and scheduled Government motor service at and between headquarters, field offices, relocation sites, and other installations of the Federal and State governments.

(5) *Records.* Provide instructions and advice on appraisal, selection, preservation, arrangement, reference, reproduction, storage, and salvage of essential records needed for the operation of the Federal Government after attack, on an emergency basis, including a decentralized system.

(6) *Federal Register.* Develop emergency procedures for providing and making available, on a decentralized basis, a Federal Register of Presidential Proclamations and Executive Orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress during a national emergency.

(7) *Government-wide procurement and supply.* Prepare plans and procedures for the coordination and/or operation of Government-wide supply programs to meet the requirements of Federal agencies under emergency conditions, including the development of policies, methods, and procedures for emergency procurement and for emergency requisitioning of private property when authorized by law and competent authority; identification of essential civil agency supply items under the Federal catalog system; development of emergency Federal specifications and standards; determination of sources of supply; procurement of personal property and nonpersonal services; furnishing appropriate inspection and contract administration services; and establishment, coordination, and/or operation of emergency storage and distribution facilities.

(8) *Survival item stockpiles.* Assist the Department of Health, Education, and Welfare, insofar as civil defense medical stockpile items under its jurisdiction are concerned, and the Department of Defense, insofar as survival items under its jurisdiction are concerned, in formulating plans and programs for service activity support relating to stockpiling of such supplies and equipment. The Administrator shall arrange for the procurement, storage, maintenance, inspection, survey, withdrawal, and disposal of supplies and equipment in accordance with the provisions of interagency agreements with the departments concerned.

(9) *National industrial reserve and machine tool program.* Develop plans for the custody of the industrial plants and production equipment in the national industrial reserve and assist the Department of Defense, in collaboration with the Department of Commerce, in the development of plans and procedures for the disposition, emergency reactivation, and utilization of the plants and equipment of this reserve in the custody of the Administrator.

(10) *Excess and surplus real and personal property.* Develop plans and emergency operating procedures for the utilization of excess and surplus real and personal property by Federal Government agencies with emergency assignments or by State and local governmental units as directed, including review of the property holdings of Federal agencies which do not posses emergency functions to determine the availability of property for emergency use, and including the disposal of real and personal property and the rehabilitation of personal property.

(11) *Facilities protection and building and shelter manager service.* In accordance with the guidance from the Department of Defense, promote, with respect to Federal buildings and installations, a Government-wide program (a) to stimulate protection, preparedness, and control in emergencies in order to minimize the effects of overt or covert attack, including dispersal of facilities; and (b) to establish shelter manager organizations, including safety and service personnel, shelter manager service, first aid, police, and evacuation service.

SEC. 2003 *Defense Production.* The Administrator of General Services shall assist the Office of Emergency Preparedness in the formulation of plans and programs relating to the certification of procurement programs, subsidy payments, and plant improvement programs provided for

by the Defense Production Act of 1950, as amended [section 2061 et seq. of this Appendix].

SEC. 2004 *Strategic and Critical Materials Stockpiles.* The Administrator of General Services shall assist the Office of Emergency Preparedness in formulating plans, programs, and reports relating to the stockpiling of strategic and critical materials. Within these plans and programs, the Administrator shall provide for the procurement (for this purpose, procurement includes upgrading, rotation, and beneficiation), storage, security, maintenance, inspection, withdrawal, and disposal of materials, supplies, and equipment.

PART 21.—INTERSTATE COMMERCE COMMISSION

SECTION 2101 *Résumé of Responsibilities.* The Chairman of the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, shall prepare national emergency plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency (other than for the Alaska Railroad—see Section 1303(6)); motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emeregncy preparedness measures, and to States regarding development of their transportation plans in assigned areas.

SEC. 2102 *Definitions.* As used in this part:

(1) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage;

(2) "Public storage" includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises;

(3) "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes;

(4) Specifically excluded, for the purposes of this part, are pipelines, petroleum and gas storage, agricultural food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or preallocated to the military.

SEC. 2103 *Transportation Functions.* The Interstate Commerce Commission shall:

(1) *Operational control.* Develop plans with appropriate private transportation and storage organizations and associations for the corrodination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(2) *Emergency operations.* Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

PART 22.—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 2201—*Functions.* The Administrator of the National Aeronautics and Space Administration shall:

(1) *Research and development.* Adapt and utilize the scientific and technological capability of the National Aeronautics and Space Administration, consistent with over-all requirements, to meet priority needs of the programs of the Federal Government in an emergency. This will include the direction and conduct of essential research and development activities relating to (a) aircraft, spacecraft, and launch vehicles, (b) associated instrumentation, guidance, control and payload, propulsion, and communications systems, (c) scientific phenomena affecting both manned and unmanned space flights, (d) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (e) atmospheric and geophysical sciences.

(2) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This may include (a) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (b) developing methods to counter novel or revolutionary enemy weapons systems, (c) providing technical advice and assistance on matters involving air and space activities, and (d) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

PART 23.—NATIONAL SCIENCE FOUNDATION

SECTION 2301 *Functions.* The Director of the National Science Foundation shall:

(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) maintaining the Foundation's register of scientific and technical personnel in such form and at such locations as will assure maximum usefulness in an emergency; (b) being prepared for rapid expansion of the Foundation's current operation as a central clearing house for information covering all scientific and technical personnel in the United States and its possessions; and (c) developing, in consultation with the Department of Labor, the Selective Service System, the Department of Defense, and the Office of Science and Technology, plans and procedures to assure the most effective distribution and utilization of the Nation's scientific and engineering manpower in an emergency.

(2) *Special functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate nongovernmental organizations, the ability to mobilize scientists, in consonance with over-all civilian manpower mobilization programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's scientific institute program for science, mathematics, and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as government facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and analysis of hazards to human life in the aftermath of enemy attack; and (d) prepare to carry on necessary programs for basic research and for training of scientific manpower.

PART 24.—RAILROAD RETIREMENT BOARD

SECTION 2401 *Functions.* The Railroad Retirement Board shall:

(1) *Manpower functions.* Within the framework of the over-all manpower plans and programs of the Department of Labor, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts [sections 228a et seq. and 351 et seq. of Title 45, Railroads].

(2) *Benefit payments.* Develop plans for administering, under emergency conditions, the essential aspects of the Railroad Retirement Act and Railroad Unemployment Insurance Act [sections 228a et seq. and 351 et seq. of Title 45, Railroads] consistent with over-all Federal plans for the continuation of benefit payments after an enemy attack.

PART 25.—SECURITIES AND EXCHANGE COMMISSION

SECTION 2501 *Functions.* The Securities and Exchange Commission shall collaborate with the Secretary of the Treasury in the development of emergency financial control plans, programs, procedures, and regulations for:

(1) *Stock trading.* Temporary closure of security exchanges, suspension of redemption rights, and freezing of stock and bond prices, if required in the interest of maintaining economic controls.

(2) *Modified trading.* Development of plans designed to reestablish and maintain a stable and orderly market for securities when the situation permits under emergency conditions.

(3) *Protection of securities.* Provision of a national records system which will make it possible to establish current ownership of securities in the event major trading centers and depositories are destroyed.

(4) *Flow of capital.* The control of the formation and flow of private capital as it relates to new securities offerings or expansion of prior offerings for the purpose of establishing or reestablishing industries in relation to the Nation's needs in or following a national emergency.

(5) *Flight of capital.* The prevention of the flight of capital outside this country, in coordination with the Secretary of Commerce, and the impounding of securities in the hands of enemy aliens.

PART 26.—SMALL BUSINESS ADMINISTRATION

SECTION 2601 *Functions.* The Administrator of the Small Business Administration shall:

(1) *Prime contract authority.* Develop plans to administer a program for the acquisition of prime contracts by the Administration and, in turn, for negotiating or otherwise letting of subcontracts to capable small business concerns in an emergency.

(2) *Resource information.* Provide data on facilities, inventories, and potential production capacity of small business concerns to all interested agencies.

(3) *Procurement.* Develop plans to determine jointly with Federal procurement agencies, as appropriate, which defense contracts are to go to small business concerns and to certify to the productive and financial ability of small concerns to perform specific contracts, as required.

(4) *Loans for plant modernization.* Develop plans for providing emergency assistance to essential individual industrial establishments through direct loans or participation loans for the financing of production facilities and equipment.

(5) *Resource pools.* Develop plans for encouraging and approving small business defense production and research and development pools.

(6) *Financial assistance.* Develop plans to make loans, directly or in participation with private lending institutions, to small business concerns and to groups or pools of such concerns, to small business investment companies, and to State and local development companies to provide them with funds for lending to small business concerns, for defense and essential civilian purposes.

PART 27.—TENNESSEE VALLEY AUTHORITY

SECTION 2701 *Functions.* The Board of Directors of the Tennessee Valley Authority shall:

(1) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the Tennessee Valley Authority power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(2) *Waterways.* Assist the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, prepare plans for the management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

(3) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River System and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(4) *Emergency health services and sanitary water supplies.* Assist the Department of Health, Education, and Welfare in the development of plans and programs covering emergency health services, civilian health manpower, and health resources in the Tennessee Valley Authority area and, in collaboration with the Department of the Interior and the Department of Health, Education, and Welfare, prepare plans for the management, operation, and maintenance of the Tennessee River System consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(5) *Coordination of water use.* Develop plans for determining or proposing priorities for the use of water by the Tennessee Valley Authority in the event of conflicting claims arising from the functions listed above.

(6) *Fertilizer.* Assist the Department of Agriculture in the development of plans for the distribution and claimancy of fertilizer; assist the Department of Commerce and the Department of Defense in the development of Tennessee Valley Authority production quotas and any essential expansion of production facilities, and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(7) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(8) *Land management.* Develop plans for the maintenance, management, and utilization of Tennessee Valley Authority-controlled lands in the interest of an emergency economy.

(9) *Food and forestry.* Assist the Department of Agriculture in the development of plans for the harvesting and processing of fish and game, and the Department of Commerce in the development of plans for the production and processing of forest products.

(10) *Coordination with Valley States.* Prepare plans and agreements with Tennessee Valley States, consistent with Federal programs, for appropriate integration of Tennessee Valley Authority and State plans for the use of available Tennessee Valley Authority resources.

PART 28.—UNITED STATES CIVIL SERVICE COMMISSION

SECTION 2801 *Functions.* The United States Civil Service Commission shall:

(1) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and to meet emergency demands.

(2) *Utilization.* Develop policies and implementing procedures designed to assist Federal agencies in achieving the most effective utilization of the Federal Government's civilian manpower in an emergency.

(3) *Manpower policies.* As the representative of the Federal Government as an employer, participate, as appropriate, in the formulation of national and regional manpower policies as they affect Federal civilian personnel and establish implementing policies as necessary.

(4) *Manpower administration.* Prepare plans, in consonance with national manpower policies and programs, for the administration of emergency civilian manpower and employment policies within the executive branch of the Government, including the issuance and enforcement of regulations to implement such policies.

(5) *Wage and salary stabilization.* Participate, as appropriate, with the Office of Emergency Preparedness and the Department of Labor in the formulation of national and regional wage and salary stabilization policies as they affect Federal civilian personnel. Within the framework of such policies, prepare plans for the implementation of such policies and controls established for employees within the executive branch of the Government, including the issuance and enforcement of necessary regulations.

(6) *Assistance.* Develop plans for rendering personnel management and staffing assistance to new and expanding Federal agencies.

(7) *Recruiting.* Develop plans for the coordination and control of civilian recruiting policies and practices by all Federal agencies in order to increase the effectiveness of the total recruitment efforts during an emergency and to prevent undesirable recruitment practices.

(8) *Reassignment.* Develop plans to facilitate the reassignment or transfer of Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in order to meet the most urgent needs of the executive branch during an emergency.

(9) *Registration.* Develop plans and procedures for a nationwide system of post-attack registration of Federal employees to provide a means for locating and returning to duty those employees who become physically separated from their agencies after an enemy attack, and to provide for the maximum utilization of the skills of surviving employees.

(10) *Deferment.* Develop plans and procedures for a system to control Government requests for the selective service deferment of employees in the executive branch of the Federal Government and in the municipal government of the District of Columbia.

(11) *Investigation.* Prepare plans, in coordination with agencies having responsibilities in the personnel security field, for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(12) *Salaries, wages, and benefits.* Develop plans for operating under emergency conditions the essential aspects of salary and wage systems and such benefit systems as the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, the Federal Employees and Retired Federal Employees Health Benefits Programs, and the Federal Employees Compensation Program.

(13) *Federal manpower mobilization.* Assist Federal agencies in establishing manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems of individual Federal agencies and the Federal Government as a whole in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and develop Governmentwide plans for the use of surplus Federal civilian manpower.

(14) *Distribution of manpower.* Participate in the formulation of policies and decisions on the distribution of the nation's civilian manpower resources, obtain appropriate civilian manpower data from Federal agencies, and establish necessary implementing policies and procedures within the Executive Branch.

(15) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employees.

PART 28A.—UNITED STATES INFORMATION AGENCY

SECTION 2850 *Functions.* (a) The Director of the United States Information Agency shall prepare national emergency plans and develop preparedness programs for the continuation of essential emergency foreign information activities. These plans and programs shall be designed to develop a state of readiness which will permit continuing necessary activities under all conditions of national emergency including attack upon the United States.

(b) The Director shall (1) develop plans for the formulation and execution of foreign information programs utilizing the Agency's overseas posts and all media designed to promote an intelligent understanding abroad of the status of the emergency within the United States and the efforts, policies, activities, needs, and aims of the United States in dealing with the international situation then existing; (2) develop emergency plans and programs, and emergency organizational structures required thereby, as an integral part of the continuing activities of the United States Information Agency on the basis that it will have the responsibility for carrying on such programs during an emergency; (3) provide and maintain the capability necessary for simultaneous direct radio broadcasting in major world languages to all areas of the world and wireless teletype to all United States Embassies; (4) provide advice to the Executive Branch on foreign opinion, and its implications for United States policies, programs, and official statements; (5) maintain liaison with the information agencies of friendly nations for the purpose of relating the United States Government information programs and facilities to those of such nations; (6) participate in the development of policy with regard to the psychological aspects of defense and develop plans for assisting the appropriate agencies in the execution of psychological operations with special attention to overseas crises short of war; (7) maintain United States Information Service staffs abroad for the conduct of public information for all agencies of the Government, recognizing that in a theater of operations the United States Information Agency would make available to the appropriate Commander all United States citizen personnel on the staff of the Agency, who agree to remain, to serve in support of psychological operations; and (8) lend appropriate support in psychological warfare to the military command in the theater or theaters of active military operations, and provide daily guidance and basic informational materials.

(c) The Director shall insure development of appropriate plans necessary under this Part and issue emergency instructions required to implement all appropriate plans developed under this Part.

PART 29.—VETERANS ADMINISTRATION

SECTION 2901 *Functions.* The Administrator of Veterans Affairs shall develop policies, plans, and procedures for the performance of emergency functions with respect to the continuation or restoration of authorized programs of the Veterans Administration under all conditions of national emergency, including attack upon the United States. These include:

(1) The emergency conduct of inpatient and outpatient care and treatment in Veterans Administration medical facilities and participation with the Departments of Defense and Health, Education, and Welfare as provided for in interagency agreements.

(2) The emergency conduct of compensation, pension, rehabilitation, education, and insurance payments consistent with over-all Federal plans for the continuation of Federal benefit payments.

(3) The emergency performance of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various emergency conditions.

PART 30.—GENERAL PROVISIONS

SECTION 3001 *Resource Management.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051 of September 27, 1962 [set out as a note under section 2271 of this Appendix], and subject to the provisions of the preceding parts, the head of each department and agency shall:

(1) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which he has been assigned responsibility.

(2) *Requirements.* Assemble, develop as appropriate, and evaluate requirements for assigned resources, taking into account estimated needs for military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(3) *Evaluation.* Assess assigned resources in order to estimate availability from all sources under an emergency situation, analyze resource availabilities in relation to estimated requirements, and develop appropriate recommendations and programs, including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource analysis purposes of the Office of Emergency Preparedness.

(4) *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services which would be needed to carry out assigned responsibilities and other essential functions of his department or agency, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

SEC. 3002 *Facilities protection and warfare effects monitoring and reporting.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051 [set out as a note under section 2271 of this Appendix], and with the national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952 [set out as a note under section 2271 of this Appendix], the head of each department and agency shall:

(1) *Facilities protection.* Provide facilities protection guidance material adapted to the needs of the facilities and services concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on facilities or other resources for which he has management responsibility. Guidance shall include, but not be limited to, organization and training of facility employees, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, dispersal of facilities, and mutual aid associations for an emergency.

(2) *Warfare effects monitoring and reporting.* Maintain a capability, both at national and field levels, to

estimate the effects of attack on assigned resources and to collaborate with and provide data to the Office of Emergency Preparedness, the Department of Defense, and other agencies, as appropriate, in verifying and updating estimates of resource status through exchanges of data and mutual assistance, and provide for the detection, identification, monitoring and reporting of such warfare effects at selected facilities under his operation or control.

(3) *Salvage and rehabilitation.* Develop plans for salvage, decontamination, and rehabilitation of facilities involving resources under his jurisdiction.

(4) *Shelter.* In conformity with national shelter policy, where authorized to engage in building construction, plan, design, and construct such buildings to protect the public to the maximum extent feasible against the hazards that could result from an attack upon the United States with nuclear weapons; and where empowered to extend Federal financial assistance, encourage recipients of such financial assistance to use standards for planning design and construction which will maximize protection for the public.

SEC. 3003 *Critical skills and occupations.* (a) The Secretaries of Defense, Commerce, and Labor shall carry out the mandate of the National Security Council, dated February 15, 1968, to "maintain a continuing surveillance over the Nation's manpower needs and identify any particular occupation or skill that may warrant qualifying for deferment on a uniform national basis." In addition, the Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall carry out the mandate of the National Security Council to "maintain a continuing surveillance over the Nation's manpower and education needs to identify any area of graduate study that may warrant qualifying for deferment in the national interest." In carrying out these functions, the Secretaries concerned shall consult with the National Science Foundation with respect to scientific manpower requirements.

(b) The Secretaries of Commerce and Labor shall maintain and issue, as necessary, lists of all essential activities and critical occupations that may be required for emergency preparedness purposes.

SEC. 3004 *Research.* Within the framework of research policies and objectives established by the Office of Emergency Preparedness, the head of each department and agency shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice, and assistance to other agencies in planning for research in areas involving each agency's interest.

SEC. 3005 *Stockpiles.* The head of each department and agency, with appropriate emergency responsibilities, shall assist the Office of Emergency Preparedness in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items.

SEC. 3006 *Direct Economic Controls.* The head of each department and agency shall cooperate with the Office of Emergency Preparedness and the Federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

SEC. 3007 *Financial Aid.* The head of each department and agency shall develop plans and procedures in cooperation with the Federal financial agencies for financial and credit assistance to those segments of the private sector for which he is responsible in the event such assistance is needed under emergency conditions.

SEC. 3008 *Functional Guidance.* The head of each department and agency in carrying out the functions assigned to him by this order, shall be guided by the following:

(1) *National program guidance.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051 [set out as a note under section 2271 of this Appendix], and with the national civil defense plans, programs, and operations of the Department of Defense, technical guidance shall be provided to State and local governments and instrumentalities thereof, to the end that all planning concerned with the functions assigned herein will be effectively coordinated. Relations with the appropriate segment of the private sector shall be maintained to foster mutual understanding of Federal emergency plans.

(2) *Interagency coordination.* Emergency preparedness functions shall be coordinated by the head of the department or agency having primary responsibility with all other departments and agencies having supporting functions related thereto.

(3) *Emergency preparedness.* Emergency plans, programs, and an appropriate state of readiness, including organizational readiness, shall be developed as an integral part of the continuing activities of each department or agency on the basis that that department or agency will have the responsibility for carrying out such plans and programs during an emergency. The head of each department or agency shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determinations by the President.

(4) *Professional liaison.* Mutual understanding and support of emergency preparedness activities shall be fostered, and the National Defense Executive Reserve shall be promoted by maintaining relations with the appropriate non-governmental sectors.

SEC. 3009 *Training.* The head of each department and agency shall develop and direct training programs which incorporate emergency preparedness and civil defense training and information programs necessary to insure the optimum operational effectiveness of assigned resources, systems, and facilities.

SEC. 3010 *Emergency Public Information.* In consonance with such emergency public information plans and central program decisions of the Office of Emergency Preparedness, and with plans, programs, and procedures established by the Department of Defense to provide continuity of programming for the Emergency Broadcast System, the head of each department and agency shall:

(1) Obtain and provide information as to the emergency functions or assignments of the individual department or agency for dissemination to the American people during the emergency, in accordance with arrangements made by the Office of Emergency Preparedness.

(2) Determine requirements and arrange for prerecordings to provide continuity of program service over the Emergency Broadcast System so that the American people can receive information, advice, and guidance pertaining to the implementation of the civil defense and emergency preparedness plans or assignments of each individual department or agency.

SEC. 3011 *Emergency Actions.* This order does not confer authority to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

SEC. 3012 *Redelegation.* The head of each department and agency is hereby authorized to redelegate the functions assigned to him by this order, and to authorize successive redelegations to agencies or instrumentalities of the United States, and to officers and employees of the United States.

SEC. 3013. *Transfer of Functions.* Any emergency preparedness function under this order, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the director of the Office of Emergency Preparedness. Any new emergency preparedness function may be assigned to the head of a department or agency by the Director of the Office of Emergency Preparedness by mutual consent.

SEC. 3014 *Retention of Existing Authority.* Except as provided in Section 3015, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any department or agency or officer thereof made by statute, Executive order, or Presidential directives, including Memoranda.

SEC. 3015 *Revoked Orders.* The following are hereby revoked:

(1) Defense Mobilization Order VI-2 of December 11, 1953.

(2) Defense Mobilization Order I-12 of October 5, 1954.

(3) Executive Order No. 10312 of December 10, 1951.
(4) Executive Order No. 10346 of April 17, 1952.
(5) Executive Order No. 10997 of February 16, 1962.
(6) Executive Order No. 10998 of February 16, 1962.
(7) Executive Order No. 10999 of February 16, 1962.
(8) Executive Order No. 11000 of February 16, 1962.
(9) Executive Order No. 11001 of February 16, 1962.
(10) Executive Order No. 11002 of February 16, 1962.
(11) Executive Order No. 11003 of February 16, 1962.
(12) Executive Order No. 11004 of February 16, 1962.
(13) Executive Order No. 11005 of February 16, 1962.
(14) Executive Order No. 11087 of February 26, 1963.
(15) Executive Order No. 11088 of February 26, 1963.
(16) Executive Order No. 11089 of February 26, 1963.
(17) Executive Order No. 11090 of February 26, 1963.
(18) Executive Order No. 11091 of February 26, 1963.
(19) Executive Order No. 11092 of February 26, 1963.
(20) Executive Order No. 11093 of February 26, 1963.
(21) Executive Order No. 11094 of February 26, 1963.
(22) Executive Order No. 11095 of February 26, 1963.
(23) Executive Order No. 11310 of October 11, 1966.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291, 2292 to 2297 of this Appendix.

§ 2293. Emergency powers of Administrator.

During the period of such emergency, the Administrator is authorized to—

(a) exercise the authority contained in section 201 (h) [section 2281 (h) of this Appendix] without regard to the limitation of any existing law including the provisions of the Act of June 30, 1932, as amended [section 278a of Title 40], and section 3709 of the Revised Statutes, as amended [section 5 of Title 41], and section 3734 of the Revised Statutes, as amended [sections 259 and 269 of Title 40], and the Federal Property and Administrative Services Act of 1949, as amended;

(b) sell, lease, lend, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as the Administrator shall prescribe and without regard to the limitations of existing law: *Provided,* That any funds received from the sale or other disposition of materials or for services shall be deposited to the credit of appropriations currently available and made pursuant to this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] and shall be available for expenditure for the purposes of such appropriations;

(c) coordinate and direct, for civil defense purposes, the relief activities of the various departments and agencies of the United States as provided in section 302 hereof [section 2292 of this Appendix];

(d) reimburse any State, including any political subdivisions thereof, for the compensation paid to and the transportation, subsistence, and maintenance expenses of any employees while engaged in rendering civil defense aid outside the State and to pay fair and reasonable compensation for the materials of the State government or any political subdivision utilized or consumed outside of the State, including any transportation costs, in accordance with rules and regulations prescribed by the Administrator. As used in this subsection, the term "employees" shall include full- or part-time paid, volunteer, auxiliary, and civil defense workers subject to the order or control of a State government or any political subdivision thereof, and such employees shall not be deemed by reason of such reimbursement to be employees or appointees of the United States;

(e) provide financial assistance for the temporary relief or aid of any civilian injured or in want as the result of any attack; and

(f) employ temporarily additional personnel without regard to the civil-service laws and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack.

During the period of any such emergency, the Administrator shall transmit quarterly to the Congress a detailed report concerning all action taken pursuant to this section. (Jan. 12, 1951, ch. 1228, title III, § 303, 64 Stat. 1252.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is classified to chapters 10 and 16 of Title 40, Public Buildings, Property and Works, chapter 4 of Title 41, Public Contracts, and chapters 21, 25, 27, 29, and 31 of Title 44, Public Printing and Documents.

TRANSFER OF FUNCTIONS

Functions of the Federal Civil Defense Administration were transferred to the President of the United States by section 1 of 1958 Reorg. Plan No. 1, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 2271 of this Appendix. The Federal Civil Defense Administration was consolidated with the Office of Defense Mobilization to form the Office of Emergency Preparedness in the Executive Office of the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291, 2292, 2294 to 2297 of this Appendix.

§ 2294. Government immune from liability for death or personal injury to employees; benefits employees entitled to.

The Federal Government shall not be liable for any damage to property or for any death or personal injury occurring directly or indirectly as a result of the exercise or performance of, or failure to exercise or perform, any function or duty, by any Federal agency or employee of the Government, in carrying out the provisions of this title [sections 2291 to 2297 of this Appendix] during the period of such emergency. Nothing contained in this section shall affect the right of any person to receive any benefit or compensation to which he might otherwise be entitled under the Federal Employees' Compensation Act, as amended [chapter 81 of Title 5], or any other Act of Congress providing for any pension or retirement. (Jan. 12, 1951, ch. 1228, title III, § 304, 64 Stat. 1253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2293, 2295, 2297 of this Appendix.

§ 2295. Waiver of Administrative Procedure Act.

During the period of such emergency, the functions and duties exercised under this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act [sections 551 et seq. and 701 et seq. of Title 5], except as to the requirements

of section 3 thereof [section 552 of Title 5]. (Jan. 12, 1951, ch. 1228, title III, § 305, 64 Stat. 1253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2294, 2296, 2297 of this Appendix.

§ 2296. Compensation for acquisition of nongovernmental property; return of property to owner; disposal of surplus property.

(a) Except in the case of property acquired pursuant to section 201 (h) of this Act [section 2281 (h) of this Appendix] in conformity with the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or through judicial proceedings for condemnation, the Administrator shall promptly determine the amount of the compensation to be paid for any property (other than that of the Federal Government or any department or agency thereof) or the use thereof acquired pursuant to this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], but each such determination shall be made as of the time it is acquired in accordance with the provisions for just compensation in the fifth amendment to the Constitution of the United States. If the person entitled to receive the amount so determined by the Administrator as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof, he shall be paid promptly 75 per centum of such amount and shall be entitled to recover from the United States, in an action brought in the Court of Claims, or, without regard to whether the amount involved exceeds $10,000, in any district court of the United States, within three years after the date of the Administrator's award, such additional amount, if any, which, when added to the amount so paid to him, shall be just compensation.

(b) Whenever the Administrator determines that any real property acquired by him is no longer needed for the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix], he shall, if the original owner desires the return of the property and pays to the Administrator the fair value thereof, return such property to such owner. In the event the Administrator and the original owner do not agree as to the fair value of such property, the fair value shall be determined by three appraisers, one of whom shall be chosen by the Administrator, one by the original owner, and the third by the first two appraisers; the expenses of such determination shall be paid in equal shares by the Government and the original owner.

(c) Whenever the need for the purposes of this Act [sections 2251 to 2284, 2286 and 2291 to 2297 of this Appendix] of any personal property acquired under this Act [said sections] shall terminate, the Administrator may dispose of such property on such terms and conditions as he shall deem appropriate, but to the extent feasible and practicable he shall give to the former owner of any property so disposed of an opportunity to reacquire it (1) at its then fair value as determined by the Administrator, or (2) if it is to be disposed of (otherwise than at a public sale of which he shall give reasonable notice) at less than such value, at the highest price any other person is willing to pay therefor: *Provided,* That this opportunity to reacquire need not be given in the case of fungibles or items having a fair value of less than $1,000. (Jan. 12, 1951, ch. 1228, title III, § 306, 64 Stat. 1253.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is classified to chapters 10 and 16 of Title 40, Public Buildings, Property, and Works, chapter 4 of Title 41, Public Contracts, and chapters 21, 25, 27, 29, and 31 of Title 44, Public Printing and Documents.

TRANSFER OF FUNCTIONS

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2291 to 2295, 2297 of this Appendix.

§ 2297. Termination of sections 2291 to 2297 of this Appendix.

The provisions of this title [sections 2291—2297 of this Appendix] shall terminate on June 30, 1974, or on such earlier date as may be prescribed by concurrent resolution of the Congress. (Jan. 12, 1951, ch. 1228, title III, § 307, 64 Stat. 1254; June 3, 1954, ch. 253, 68 Stat. 170; July 11, 1958, Pub. L. 85-514, 72 Stat. 356; June 27, 1962, Pub. L. 87-501, 76 Stat. 111; June 30, 1966, Pub. L. 89-483, 80 Stat. 235; June 30, 1970, Pub. L. 91-299, 84 Stat. 367.)

AMENDMENTS

1970—Pub. L. 91-299 extended the termination date from June 30, 1970 to June 30, 1974.

1966—Pub. L. 89-483 extended the termination date from June 30, 1966 to June 30, 1970.

1962—Pub. L. 87-501 extended the termination date from June 30, 1962 to June 30, 1966.

1958—Pub. L. 85-514 extended the termination date from June 30, 1958 to June 30, 1962.

1954—Act June 3, 1954, extended the termination date from June 30, 1954 to June 30, 1958.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2251 to 2263, 2271, 2272, 2281 to 2284, 2286, 2291 to 2296 of this Appendix.

EMERGENCY FOOD AID TO INDIA

ACT JUNE 15, 1951, CH. 138, 65 STAT. 69

Sec.
2311. Emergency food relief to India on credit terms; terms and quantities; repayment in strategic and critical materials.
2312. Amount of money available for loan; issuance of notes; public debt transaction.
2313. Use of funds; restrictions; law governing.
2314. Shipment of supplies; operation of ships by Department of Commerce; repayment of advances for activation of ships.
2315. Relief packages and supplies; payment of ocean freight.
2316. Use of repayment funds; limitation.

§ 2311. Emergency food relief to India on credit terms; terms and quantities; repayment in strategic and critical materials.

Notwithstanding any other provisions of law, the Administrator for Economic Cooperation is author-

ized and directed to provide emergency food relief assistance to India on credit terms as provided in section 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, including payment by transfer to the United States (under such terms and in such quantities as may be agreed to between the Administrator and the Government of India) of materials required by the United States as a result of deficiencies, actual or potential, in its own resources. The Administrator is directed and instructed that in his negotiations with the Government of India he shall, so far as practicable and possible, obtain for the United States the immediate and continuing transfer of substantial quantities of such materials particularly those found to be strategic and critical. (June 15, 1951, ch. 138, § 2, 65 Stat. 70.)

REFERENCES IN TEXT

Section 111(c)(2) of the Economic Cooperation Act of 1948, as amended, referred to in the text, was section 111(c)(2) of act Apr. 3, 1948, ch. 169, and was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(4), 68 Stat. 861. See section 2395 of Title 22, Foreign Relations and Intercourse.

SHORT TITLE

Section 1 of act June 15, 1951, provided that act June 15, 1951, enacting sections 2311—2316 of this Appendix should be popularly known as the "India Emergency Food Aid Act of 1951".

TRANSFER OF FUNCTIONS

Functions conferred by law upon, or delegated or otherwise assigned by the President to, or otherwise placed under the jurisdiction of the Foreign Operations Administration were transferred to the Secretary of State and Department of State, to be carried out by the Secretary of State, or, if he shall so direct, the Director of the International Cooperation Administration (the Deputy Director of the Foreign Operations Administration so redesignated) and the Office of Director of Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, eff. July 1, 1955, as amended by Ex. Ord. No. 10663, Mar. 26, 1956, 21 F.R. 1845, eff. Apr. 1, 1956. See section 2381 of Title 22, Foreign Relations and Intercourse and note thereunder.

The office of Director for Mutual Security was abolished and the functions of the Director transferred to the Director of the Foreign Operations Administration by 1953 Reorg. Plan No. 7, eff. Aug. 1, 1953, 18 F.R. 4541, set out in the Appendix to Title 5, Government Organization and Employees.

The Economic Cooperation Administration was abolished and its administrator's powers and functions transferred to the Director for Mutual Security by section 502 of Act Oct. 10, 1951, ch. 479, title V, 65 Stat. 378 and Ex. Ord. No. 10300, Nov. 2, 1951, 16 F.R. 11203, eff. Dec. 30, 1951.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2313, 2316 of this Appendix.

§ 2312. Amount of money available for loan; issuance of notes; public debt transaction.

For purposes of this Act [sections 2311 to 2316 of this Appendix] the President is authorized to utilize not in excess of $190,000,000 during the period ending June 30, 1952, of which sum (1) not less than $100,000,000 shall be made available immediately from funds heretofore appropriated by Public Law 759, Eighty-first Congress, for expenses necessary to carry out the provisions of the Economic Cooperation Act of 1948, as amended; and (2) $90,000,000 shall be available from any balance of such funds unallotted and unobligated as of June 30, 1951: *Provided,* That if such amount unallotted and unobligated is less than $90,000,000 an amount equal to the difference shall be obtained from the issuance of notes in such amount by the Administrator for the Economic Cooperation Administration, who is authorized and directed to issue such notes from time to time during fiscal years 1951 and 1952 for purchase by the Secretary of the Treasury, and the Secretary of the Treasury is authorized and directed to purchase such notes and, in making such purchases to use, as a public debt transaction, the proceeds of any public debt issue pursuant to the Second Liberty Loan Act, as amended: *And provided further,* That $50,000,000 reserved by the Bureau of the Budget pursuant to section 1214 of Public Law 759 of the Eighty-first Congress from funds appropriated by that Act for expenses necessary to carry out the provisions of the Economic Cooperation Act of 1948, as amended, shall not be available for purposes of this section. (June 15, 1951, ch. 138, § 3, 65 Stat. 70.)

REFERENCES IN TEXT

Public Law 759, Eighty-first Congress, referred to in the text was the General Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, 64 Stat. 595. For classification see Tables Volume.

The Economic Cooperation Act of 1948, as amended, referred to in the text, was act Apr. 3, 1948, ch. 169, title I, §§ 101–124, 62 Stat. 137—156, as amended, which was repealed by acts Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, and Aug. 26, 1954, ch. 937, title V, § 542(a) (4), (6) and (9)—(11), 68 Stat. 861. See chapter 32 of Title 22, Foreign Relations and Intercourse.

The Second Liberty Loan Act, referred to in text, is Act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, and sections 757c–2, 757c–3, 757d, 757e, 758, 760, 764, 765, 766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

Section 1214 of Public Law 759 of the Eighty-first Congress, referred to in the text, was not classified to the Code.

That Act, referred to in the text, refers to Public Law 759 of the Eighty-first Congress.

TRANSFER OF FUNCTIONS

Functions conferred by law upon, or delegated or otherwise assigned by the President to, or otherwise placed under the jurisdiction of the Foreign Operations Administration were transferred to the Secretary of State and Department of State, to be carried out by the Secretary of State, or, if he shall so direct, the Director of the International Cooperation Administration (the Deputy Director of the Foreign Operations Administration so redesignated) and the office of Director of Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, eff. July 1, 1955, as amended by Ex. Ord. No. 10663, Mar. 26, 1956, 21 F.R. 1845, eff. Apr. 1, 1956. See section 2381 of Title 22, Foreign Relations and Intercourse and note thereunder.

The office of Director for Mutual Security was abolished and the functions of the Director transferred to the Director of the Foreign Operations Administration by 1953 Reorg. Plan No. 7, eff. Aug. 1, 1953, 18 F.R. 4541, set out as a note under section 133z–15 of Title 5, Executive Departments and Government Officers and Employees.

The Economic Cooperation Administration was abolished and its Administrator's powers and functions transferred to the Director for Mutual Security by section 502 of act Oct. 10, 1951, ch. 479, title V, 65 Stat. 378 and Ex. Ord. No. 10300, Nov. 2, 1951, 16 F.R. 11203, eff. Dec. 30, 1951.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2313, 2316 of this Appendix.

§ 2313. Use of funds; restrictions; law governing.

(a) Funds made available for purposes of this Act [sections 2311 to 2316 of this Appendix] shall be used only for the purchase of food grains or equivalents in the United States.

(b) No procurement of any agricultural product within the United States for the purpose of this Act [sections 2311—2316 of this Appendix] shall be made unless the Secretary of Agriculture shall find and certify that such procurement will not impair the fulfillment of the vital needs of the United States.

(c) The assistance provided under this Act [sections 2311 to 2316 of this Appendix] shall be for the sole purpose of providing food grains, or equivalents, to meet the emergency need arising from the extraordinary sequence of flood, drought, and other conditions existing in India in 1950.

(d) The assistance provided under this Act [sections 2311 to 2316 of this Appendix] shall be provided under the provisions of the Economic Cooperation Act of 1948, as amended, applicable to and consistent with the purposes of this Act [sections 2311 to 2316 of this Appendix]. (June 15, 1951, ch. 138, § 4, 65 Stat. 70.)

REFERENCES IN TEXT

The Economic Cooperation Act of 1948, as amended, referred to in the text, was act Apr. 3, 1948, ch. 169, title I, §§ 101—124, 62 Stat. 137—156, as amended, which was repealed by acts Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, and Aug. 26, 1954, ch. 937, title V, § 542(a) (4), (6) and (9)—(11), 68 Stat. 861. See chapter 32 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2312, 2316 of this Appendix.

§ 2314. Shipment of supplies; operation of ships by Department of Commerce; repayment of advances for activation of ships.

Notwithstanding the provisions of any other law, to the extent that the President, after consultation with appropriate Government officials and representatives of private shipping, finds and proclaims that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under this Act [sections 2311 to 2316 of this Appendix], the Reconstruction Finance Corporation is authorized and directed to make advances not to exceed in the aggregate $20,000,000 to the Department of Commerce, in such manner, at such times, and in such amounts as the President shall determine, for activation and operation of vessels for such transportation, and these advances may be placed in any funds or accounts available for such purposes, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for these purposes: *Provided*, That pursuant to agreements made between the Reconstruction Finance Corporation and the Department of Commerce, the Reconstruction Finance Corporation shall be repaid without interest not later than June 30, 1952, for such advances either from funds hereafter made available to the Department of Commerce for the activation and operation of vessels or, notwithstanding the provisions of any other Act, from receipts from vessel operations: *Provided further*, That pending such repayment receipts from vessel operations may be placed in such funds or accounts and used for activating and operating vessels. (June 15, 1951, ch. 138, § 5, 65 Stat. 70.)

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees, abolished the Reconstruction Finance Corporation.

PROC. NO. 2931. ACTIVATION AND OPERATION OF VESSELS FOR TRANSPORTATION OF SUPPLIES

Proc. No. 2931, June 22, 1951; 16 F. R. 5969, 65 Stat. c19, provided:

1. After consultation with appropriate Government officials and representatives of private shipping, I find and proclaim that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under the India Emergency Food Aid Act of 1951 [sections 2311—2316 of this Appendix].

2. The Reconstruction Finance Corporation is hereby authorized and directed to make advances not to exceed in the aggregate $20,000,000 to the Department of Commerce for activation and operation of vessels for such transportation, subject to the terms and conditions of the Act [said sections], and in the manner hereinafter specified.

3. The Director of the Bureau of the Budget [now Office of Management and Budget] is hereby authorized and directed to determine the amounts of such advances and the times when they may be made, subject to the limitations and provisions of section 5 of the Act [this section], and the Reconstruction Finance Corporation shall make advances thereunder pursuant only to such determinations by the Director of the Bureau of the Budget.

4. The Secretary of Commerce may place such advances in any funds or accounts available for such purposes, and, pending repayment of such advances, may place receipts from vessel operations in such funds or accounts and may use such receipts for activating and operating vessels.

5. Each officer or agency mentioned in this proclamation may issue such regulations or orders as are deemed necessary to carry out his or its functions under the provisions of the Act [sections 2311—2316 of this Appendix] and this proclamation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2313, 2316 of this Appendix.

§ 2315. Relief packages and supplies; payment of ocean freight.

Notwithstanding any other provisions of law, the Administrator for Economic Cooperation is authorized to pay ocean freight charges from United States ports to designated ports of entry in India of relief packages and supplies under the provisions of section 117 (c) of the Economic Cooperation Act of 1948, as amended, including the relief packages and supplies of the American Red Cross. Funds now or hereafter available during the period ending June 30, 1952, for furnishing assistance under the provisions of the Economic Cooperation Act of 1948, as amended, may be used to carry out the purposes of this section. (June 15, 1951, ch. 138, § 6, 65 Stat. 71.)

REFERENCES IN TEXT

Section 117(c) of the Economic Cooperation Act of 1948, as amended, referred to in the text, was section 117(c) of act Apr. 3, 1948, ch. 169, title I, 62 Stat. 53, which was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a) (4)(10), 68 Stat. 861. See chapter 32 of Title 22, Foreign Relations and Intercourse.

The Economic Cooperation Act of 1948, as amended, referred to in the text, was act Apr. 3, 1948, ch. 169, title I,

§§ 101—124, 62 Stat. 137—156, as amended, which was repealed by acts Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, and Aug. 26, 1954, ch. 937, title V, § 542(a) (4), (6) and (9)—(11), 68 Stat. 861. See chapter 32 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2313, 2316 of this Appendix.

§ 2316. Use of repayment funds; limitation.

(a) Any sums payable by the Government of India, under the interest terms agreed to between the Government of the United States and the Government of India, on or before January 1, 1957, as interest on the principal of any debt incurred under this Act [sections 2311 to 2316 of this Appendix], and not to exceed a total of $5,000,000, shall, when paid, be placed in a special deposit account in the Treasury of the United States, notwithstanding any other provisions of law, to remain available until expended. This account shall be available to the Department of State for the following uses:

(1) Studies, instruction, technical training, and other educational activities in the United States and in its Territories or possessions (A) for students, professors, other academic persons, and technicians who are citizens of India, and (B) with the approval of appropriate agencies, institutions, or organizations in India, for students, professors, other academic persons, and technicians who are citizens of the United States to participate in similar activities in India, including in both cases travel expenses, tuition, subsistence and other allowances and expenses incident to such activities; and

(2) The selection, purchase, and shipment of (A) American scientific, technical, and scholarly books and books of American literature for higher educational and research institutions of India, (B) American laboratory and technical equipment for higher education and research in India, and (C) the interchange of similar materials and equipment from India for higher education and research in the United States.

(b) Funds made available in accordance with the provisions stated above may be used to defray costs of administering the program authorized herein.

(c) Disbursements from the special deposit account shall be made by the Division of Disbursement of the Treasury Department, upon vouchers duly certified by the Secretary of State or by authorized certifying officers of the Department of State. (June 15, 1951, ch. 138, § 7, 65 Stat. 71.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2313, 2316 of this Appendix.

KOREAN COMBAT PAY

ACT JULY 10, 1952, CH. 630, TITLE VII, 66 STAT. 538

§§ 2351 to 2356. Repealed. Pub. L. 88-132, § 9(b), Oct. 2, 1963, 77 Stat. 216.

Sections, act July 19, 1952, ch. 630, title VII, §§ 702—707, 66 Stat. 538, 539, designated the Combat Duty Pay Act of 1953 by section 701 of such act July 10, 1952, related to: definitions of "uniformed services", "member", "officer", "secretary", "incentive pay", "special pay", "combat unit", "actual combat on land", "military unit" and "Korea"; conditions governing payments, service; death or injury, missing-in-action; limitations; regulations; and determinations of fact, conclusiveness and availability of appropriations, respectively.

EFFECTIVE DATE OF REPEAL

Repeal of sections 2351—2356 of this Appendix effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as a note under section 201 of Title 37, Pay and Allowances of the Uniformed Services.

WORLD WAR II LICENSE AGREEMENTS

ACT AUG. 16, 1950, CH. 716, 64 STAT. 448

Sec.
2371. Modification or cancellation of certain license agreements granted Government during World War II.

§ 2371. Modification or cancellation of certain license agreements granted Government during World War II.

Notwithstanding any other provision of law, the head of any department or other agency in the executive branch of the Government which subsequent to September 9, 1939, entered into any contract or agreement with the holder of any privately owned patent or any right thereunder whereby such holder granted to the United States, without payment of royalty or with reduction or limitation of royalty, any license under such patent or right, is authorized, upon application of the grantor of such license, to enter into such supplemental contract or agreement for the cancellation of the contract or agreement by which such license was granted as the head of such department or agency shall deem to be warranted by equities existing by reason of changes in circumstances occurring since the granting of such license. (Aug. 16, 1950, ch. 716, 64 Stat. 448.)

EMERGENCY SHIP REPAIR PROGRAM

ACT AUG. 20, 1954, CH. 777, 68 STAT. 754

Sec.
2391. Purpose of program.
2392. Reserve fleet modernization, repair, and conversion.
2393. Contracting authorization; bids.
2394. Appropriation authorization.

§ 2391. Purpose of program.

It is the purpose of this Act [sections 2391 to 2394 of this Appendix] in the interests of national defense to provide for the immediate improvement and modernization of needed merchant-type vessels in the reserve fleet under the jurisdiction of the Secretary of Commerce, and thereby to provide a much needed stimulus to the shipbuilding and ship repair industries of the Nation. (Aug. 20, 1954, ch. 777, § 2, 68 Stat. 754.)

SHORT TITLE

Section 1 of act Aug. 20, 1954, provided that act Aug. 20, 1954, enacting sections 2391—2394 of this Appendix should be popularly known as the "Emergency Ship Repair Act of 1954."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2392, 2393, 2394 of this Appendix.

§ 2392. Reserve fleet modernization, repair, and conversion.

The Secretary of Commerce shall, after consulting the Secretary of Defense, formulate and carry

out to the extent authorized under the provisions of this Act [sections 2391 to 2394 of this Appendix] a program of repairing, modernizing, or converting such merchant-type vessels in the national defense reserve under the jurisdiction of the Secretary of Commerce as may be necessary to provide for the purpose of national defense an adequate and ready reserve fleet of merchant and auxiliary vessels. (Aug. 20, 1954, ch. 777, § 3, 68 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2391, 2393, 2394 of this Appendix.

§ 2393. Contracting authorization; bids.

The Secretary of Commerce shall, before July 1, 1958, enter into such contracts for the repair, modernization, and conversion of vessels as may be necessary to carry out the provisions of this Act [sections 2391 to 2394 of this Appendix]. Such contracts (1) may provide for the expenditure by the United States of not more than $25,000,000, (2) shall be with private shipbuilding or ship repair yards on the Atlantic, Pacific, and gulf coasts of the United States, (3) shall be entered into in accordance with applicable provisions of the Federal Property and Administrative Services Act of 1949 [chapters 10 and 16 of Title 40, chapter 4 of Title 41 and chapters 21, 25, 27, 29, and 31 of Title 44]. In entering into such contracts the Secretary of Commerce shall not alter the present Maritime Administration policy of inviting single bids or split bids or both for drydock and nondrydock work. (Aug. 20, 1954, ch. 777, § 4, 68 Stat. 754; Aug. 6, 1956, ch. 1012, 70 Stat. 1067.)

AMENDMENTS

1956—Joint resolution Aug. 6, 1956, substituted "before July 1, 1958" for "within twenty-four months after date of enactment of this act [August 20, 1954], in the first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2391, 2392, 2394 of this Appendix.

§ 2394. Appropriation authorization.

There are authorized to be appropriated such sums not in excess of $25,000,000 as may be necessary to carry out the provisions of this Act [sections 2391 to 2394 of this Appendix]. (Aug. 20, 1954, ch. 777, § 5, 68 Stat. 755.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2391 to 2393 of this Appendix.

EXPORT REGULATION

PUB. L. 91–184, DEC. 30, 1969, 83 STAT. 841

Sec.
2401. Congressional findings.
2402. Congressional declaration of policy.
2403. Authority to effectuate policy.
(a) Secretary of Commerce.
(b) Presidential determinations; rules and regulations.
(c) Protection of national security, foreign policy and domestic economy.
(d) Delegation of Presidential authority and power.
(e) Exclusion of agricultural commodities.
2404. Consultations for determination of controls; standards or criteria established.
2405. Violations and penalties.
(a) Generally; subsequent offenses.
(b) Export to Communist-dominated nations; penalties.
(c) Civil penalty for violations.
(d) Export licenses.
(e) Discretion to refund civil penalty.
(f) Action for recovery of civil penalty.
(g) Availability of other remedies.
2406. Enforcement.
(a) Compliance with requirements; subpena of witnesses and records.
(b) Self-incrimination; exception.
(c) Disclosure of confidential information.
(d) Simplification of reporting requirements.
2407. Exemption from administrative procedure and judicial review provisions.
2408. Information to exporters.
2409. Quarterly reports.
2410. Definitions.
2411. Effects on other Acts.
2412. Effective date.
2413. Termination date.

§ 2401. Congressional findings.

The Congress makes the following findings:

(1) The availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States.

(2) The unrestricted export of materials, information, and technology without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States.

(3) The unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments.

(4) The uncertainty of policy toward certain categories of exports has curtailed the efforts of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States. (Pub. L. 91–184, § 2, Dec. 30, 1969. 83 Stat. 841.)

SHORT TITLE

Section 1 of Pub. L. 91–184 provided that: "This Act [enacting sections 2401 to 2413 of this Appendix] may be cited as the 'Export Administration Act of 1969'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2413 of this Appendix.

§ 2402. Congressional declaration of policy.

The Congress makes the following declarations:

(1) It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect

the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(3) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified trade control policy to be observed by all such nations.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States. (Pub. L. 91–184, § 3, Dec. 30, 1969, 83 Stat. 841.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2413 of this Appendix.

§ 2403. Authority to effectuate policy.

(a) Secretary of Commerce.

(1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act [sections 2401 to 2413 of this Appendix] as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act [sections 2401 to 2413 of this Appendix] with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (A) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act [sections 2401 to 2413 of this Appendix]. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of enactment of this Act [December 30, 1969] pursuant to section 10 [section 2409 of this Appendix].

(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act [sections 2401 to 2413 of this Appendix] with a view to encouraging the widest possible trade.

(b) Presidential determinations; rules and regulations.

To effectuate the policies set forth in section 3 of this Act [section 2402 of this Appendix], the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act [sections 2401 to 2413 of this Appendix], these rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Rules and regulations may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States, regardless of their availability from nations other than any nation or combination of nations threatening the national security of the United States, but whenever export licenses are required on the ground that considerations of national security override considerations of foreign availability, the reasons for so doing shall be reported to the Congress in the quarterly report following the decision to require such licenses on that ground to the extent considerations of national security and foreign policy permit. The rules and regulations shall implement the provisions of section 3(5) of this Act [section 2402(5) of this Appendix] and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in that section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that section.

(c) Protection of national security, foreign policy and domestic economy.

Nothing in this Act [sections 2401 to 2413 of this Appendix] or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials,

supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

(d) Delegation of Presidential authority and power.

The President may delegate the power, authority, and discretion conferred upon him by this Act [sections 2401 to 2413 of this Appendix] to such departments, agencies, or officials of the Government as he may deem appropriate.

(e) Exclusion of agricultural commodities.

The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act [section 2402 of this Appendix]. (Pub. L. 91–184, § 4, Dec. 30, 1969, 83 Stat. 842.)

EX. ORD. NO. 11533. ADMINISTRATION OF EXPORT ADMINISTRATION ACT.

Ex. Ord. No. 11533, June 4, 1970, 35 F.R. 8799, provided:

By virtue of the authority vested in me by the Export Administration Act of 1969 [sections 2401–2413 of this Appendix], and as President of the United States, it is ordered as follows:

SECTION 1. The power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969 (83 Stat. 841; Public Law 91–184), are hereby delegated to the Secretary of Commerce, with power of successive redelegation.

SEC. 2. The Export Control Review Board established by section 2 of Executive Order No. 10945 of May 24, 1961, is hereby reestablished as the Export Administration Review Board (hereinafter referred to as the Board). The Board shall be composed of the Secretary of Commerce, who shall be the Chairman of the Board, the Secretary of State, and the Secretary of Defense. No alternate Board members shall be designated, but the acting head of any department may serve in lieu of the head of the department concerned. The Board may invite the heads of Government agencies, other than the departments represented by the Board members, to participate in the activities of the Board when matters of interest to such agencies are under consideration.

SEC. 3. The Secretary of Commerce may from time to time refer to the Board such particular export license matters, involving questions of national security or other major policy issues, as he shall select. The Secretary of Commerce shall also refer to the Board any other such export license matter, upon the request of any other member of the Board or of the head of any other Government department or agency having an interest in such matter. The Board shall consider the matters so referred to it, giving due consideration to the foreign policy of the United States, the national security, and the domestic economy, and shall make recommendations thereon to the Secretary of Commerce.

SEC. 4. The President may at any time (a) prescribe rules and regulations applicable to the power, authority, and discretion referred to in section 1 of this order, and (b) communicate to the Secretary of Commerce such specific directives applicable thereto as the President shall determine. The Secretary of Commerce shall from time to time report to the President upon the administration of the Export Administration Act of 1969 and, as he may deem necessary, may refer to the President recommendations made by the Board under section 3 of this order. Neither the provisions of this section nor those of section 3 shall be construed as limiting the provisions of section 1 of this order.

SEC. 5. All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action made, issued, or otherwise taken under, or continued in force by the Export Control Act of 1949, as amended, shall remain in full force and effect under the Export Administration Act of 1969 and under this order, until amended, modified, or terminated by proper authority.

SEC. 6. This order shall be effective January 1, 1970.

RICHARD NIXON

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2404 to 2413 of this Appendix.

§ 2404. Consultations for determination of controls; standards or criteria established.

(a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provision shall be made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department, or agency, or official to carry out the policies of this Act [sections 2401 to 2413 of this Appendix]. (Pub. L. 91–184, § 5, Dec. 30, 1969, 83 Stat. 843.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403, 2405 to 2413 of this Appendix.

§ 2405. Violations and penalties.

(a) Generally; subsequent offenses.

Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act [sections 2401 to 2413 of this Appendix] or any regulation, order, or license issued thereunder shall be fined not more than $10,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(b) Export to Communist-dominated nations; penalties.

Whoever willfully exports anything contrary to any provision of this Act [sections 2401 to 2413 of this Appendix] or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be fined not more than five times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(c) Civil penalty for violations.

The head of any department or agency exercising any functions under this Act [sections 2401 to 2413 of this Appendix], or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $1,000 for each violation of this Act [sections 2401 to 2413 of this Appendix] or any regulation, order, or license issued under this Act [sections 2401 to 2413 of this Appendix], either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) Export licenses.

The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Discretion to refund civil penalty.

Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) Action for recovery of civil penalty.

In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in the subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Availability of other remedies.

(g) Nothing in subsection (c), (d), or (f) limits

(1) the availability of other administrative or judicial remedies with respect to violations of this Act [sections 2401–2413 of this Appendix], or any regulation, order, or license issued under this Act [sections 2401 to 2413 of this Appendix];

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act [sections 2401 to 2413 of this Appendix], or any regulation, order, or license issued under this Act [sections 2401 to 2413 of this Appendix]; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

(Pub. L. 91–184, § 6, Dec. 30, 1969, 83 Stat. 844.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403, 2404, 2406 to 2413 of this Appendix.

§ 2406. Enforcement.

(a) Compliance with requirements; subpena of witnesses and records.

To the extent necessary or appropriate to the enforcement of this Act [sections 2401 to 2413 of this Appendix] or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949 [sections 2021 to 2032 of this Appendix], the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof (may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Self-incrimination; exception.

No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

(c) Disclosure of confidential information.

No department, agency, or official exercising any functions under this Act [sections 2401 to 2413 of this Appendix] shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

(d) Simplification of reporting requirements.

In the administration of this Act [sections 2401 to 2413 of this Appendix], reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act [sections 2401 to 2413 of this Appendix] to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 10 [section 2409 of

this Appendix] after such action is taken. (Pub. L. 91–184, § 7, Dec. 30, 1969, 83 Stat. 845.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2405, 2407 to 2413 of this Appendix.

§ 2407. Exemption from administrative procedure and judicial review provisions.

The functions exercised under this Act [sections 2401 to 2413 of this Appendix] are excluded from the operation of sections 551, 553 to 559, and 701 to 706, of title 5 United States Code (Pub. L. 91–184, § 8, Dec. 30, 1969, 83 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2406, 2408 to 2413 of this Appendix.

§ 2408. Information to exporters.

In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act [sections 2401 to 2413 of this Appendix] shall, if requested, and insofar as it is consistent with the national security, the foreign policy of the United States, the effective administration of this Act [sections 2401 to 2413 of this Appendix], and requirements of confidentiality contained in this Act [sections 2401 to 2413 of this Appendix]—

(1) inform each exporter of the considerations which may cause his export licence request to be denied or to be the subject of lengthy examination;

(2) in the event of undue delay, inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;

(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and

(4) inform each exporter of the reasons for a denial of an export license request.

(Pub. L. 91–184, § 9, Dec. 30, 1969, 83 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2407, 2409 to 2413 of this Appendix.

§ 2409. Quarterly reports.

The head of any department or agency, or other official exercising any functions under this Act [sections 2401 to 2413 of this Appendix], shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder. (Pub. L. 91–184, § 10, Dec. 30, 1969, 83 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2408, 2410 to 2413 of this Appendix.

§ 2410. Definitions.

The term "person" as used in this Act [sections 2401 to 2413 of this Appendix] includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof. (Pub. L. 91–184, § 11, Dec. 30, 1969, 83 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2409, 2411 to 2413 of this Appendix.

§ 2411. Effects on other Acts.

(a) The Act of February 15, 1936 (49 Stat. 1140) [sections 86 to 88 of Title 50], relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act [sections 2401 to 2413 of this Appendix] shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) The authority granted to the President under this Act [sections 2401 to 2413 of this Appendix] shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934). (Pub. L. 91–184, § 12, Dec. 30, 1969, 83 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2410, 2412, 2413 of this Appendix.

§ 2412. Effective date.

(a) This Act [sections 2401 to 2413 of this Appendix] takes effect upon the expiration of the Export Control Act of 1949 [sections 2021 to 2032 of this Appendix].

(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 [sections 2021 to 2032 of this Appendix] or section 6 of the Act of July 2, 1940 (54 Stat. 714) [section 701 of this Appendix], shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act [sections 2401 to 2413 of this Appendix]. (Pub. L. 91–184, § 13, Dec. 30, 1969, 83 Stat. 847.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2411, 2413 of this Appendix.

§ 2413. Termination date.

The authority granted by this Act [sections 2401 to 2413 of this Appendix] terminates on June 30, 1971, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate. (Pub. L. 91–184, § 14, Dec. 30, 1969, 83 Stat. 847.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403 to 2412 of this Appendix.

TABLE I—REVISED TITLES

The following tables represent those titles of the United States Code that have been revised and renumbered since adoption of the Code in 1926. These tables show where former sections of the revised titles have been incorporated in this edition of the Code.

Title		Page
1.	General Provisions	12583
3.	The President	12583
4.	Flag and Seal, Seat of Government, and the States	12584
5.	Government Organization and Employees	12584
6.	Official and Penal Bonds	12595
9.	Arbitration	12595
10.	Armed Forces	12595
	A. Title 10	12595
	B. Title 34	12600
13.	Census	12605
14.	Coast Guard	12605
17.	Copyrights	12606
18.	Crimes and Criminal Procedure	12607
23.	Highways	12610
26.	Internal Revenue Code of 1954	12611
28.	Judiciary and Judicial Procedure	12622
32.	National Guard	12626
35.	Patents	12627
37.	Pay and Allowances of the Uniformed Services	12627
38.	Veterans' Benefits	12629
39.	Postal Service	12632
44.	Public Printing and Documents	12637

TITLE 1—GENERAL PROVISIONS

[*This title was enacted into law by Act July 30, 1947, ch. 388, § 1, 61 Stat. 633. This table shows where sections of former Title 1 have been incorporated in revised Title 1*]

Title 1 Former Sections	Title 1 New Sections	Title 1 Former Sections	Title 1 New Sections	Title 1 Former Sections	Title 1 New Sections
1	1	27	107	54	204
2	2	28	108	54a	205
3	3	29	109	54b	206
4	4	29a	110	54c	207
5	5	29b	111	54d	208
6	6	30	112	55	209
21	101	30a	113	56	210
22	102	31	114	57	211
23	103	51a	201	58	212
24	104	52	202	59	213
25	105	53	203	60	Rep.
26	106				

TITLE 3—THE PRESIDENT

[*This title was enacted into law by Act June 25, 1948, ch. 644, § 1, 62 Stat. 672. This table shows where sections of former Title 3 have been incorporated in revised Title 3*]

Title 3 Former Sections	Title 3 New Sections	Title 3 Former Sections	Title 3 New Sections	Title 3 Former Sections	Title 3 New Sections
1	1	14	11	47	108
2	3	15	11		[Rep.]
3	4	16	14	48	109
4	2	17	15	49	110
5	7	18	18	50	109
5a	7	19	17	51	109
6	5	20	16	52	109
7	6	21	19	53	201
7a	6	22	19	54	Omitted
8	8	23	20	61	202
9	9	24	19	62	203
9a	9	41	101	62a	205
10	10	42	102	62b	206
11	11	43	103	63	204
11a	11	44	104	64	207
11b	12	45	105	65	Omitted
11c	13	45a	106	66	Omitted
12	11, 12	46	107	67	208
13	13				

TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

[*This title was enacted into law by Act July 30, 1947, ch. 389, § 1, 61 Stat. 641. This table shows where sections of former Title 4 have been incorporated in revised Title 4*]

Title 4 Former Sections	Title 4 New Sections	Title 4 Former Sections	Title 4 New Sections	Title 4 Former Sections	Title 4 New Sections
1	1	7	72	13	105
2	2	8	73	14	106
3	3	9	101	15	107
4	41	10	102	16	108
5	42	11	103	17	109
6	71	12	104	18	110

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

[*This title was enacted into law by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378. This table shows where sections of former Title 5 have been incorporated in revised Title 5*]

Title 5 Former Sections	Title 5 New Sections
1	101
2	101
3	See 5312
4	3345
5	3346
6	3347
7	3348
8	3349
9	5535(a)
10	2901
11	2902(b)
12	2902(c)
13	Repealed
14	Repealed
14a	Repealed
15	Repealed
16	3331
16a(a)	2903(b)(1), (2), 2904
16a(b)	2903(c)(1)
17	See 2905(a)
17a	See 2905(a)
17b	2905(a)
17c	2905(b)
18	2903(a)
19	See 2903(b), 2904
20	2904
21	2906
21a	2104(1), 3332
21b	5507
22	301
22-1 (1st sentence, less proviso)	7501(c), 7512(c), 7532(a)
22-1 (1st proviso)	7532(a)
22-1 (2d sentence, less proviso)	7532(b)
22-1 (2d proviso, cls. (1)—(5))	7532(c)(1)—(3), (A)—(E)
22-1 (3d proviso)	3571, 5594
22-1 (4th and 5th provisos)	7312
22-2	7533
22-3	7531(9), (last sentence)
22a(1)	302(b)(1)
22a(2)	Repealed
22a(3)	302(b)(2)
23—25	See 305. See T. 10 §§ 124, 125, 133, 136, 3010, 3012, 5011, 5031, 8010, 8012. See T. 22 § 2664. See Reorg. Plans 1953, Nos. I, 2, 1950, Nos. 2, 3, 5, 26, 1949, No. 3
26	See 301, 6101
26a	See 6101
26b, 26c	Repealed. See 6101
27	6106
28	6105
29	See 301
29a	See 5504, 6101
30, 30a	See 6302—6304, 6307, 6311
30b	See 6301(2)(i), (iii), (iv), 6302—6304
30b-1	See 6302(c)
30c—30e	See 6301(2)(A), (B), 6302—6304, 6311
30e-1	See 6303, 6304
30f	See 6307
30g—30r	See 6307, 6311
30l, 30m	Repealed. See 6302 et seq.
30n	6322
30n-1	T. 28 § 1823(b)
30o	5537
30p	5515
30q	6321
30r(a)	6323(a), (b)
30r(b)	3551
30r(c)	502, 5534
30r(d)	2105(d)
31	See 301, 6101
31a	Repealed
31b	See 6302(a)
32	Repealed
33	Repealed. See 7154(a)
34	See 3551 See T. 50 App. § 459(g)
35	See 1302(b), (c), 2108
35a, 36	See 7152
37	See 3502(a)(2)
37a	See 7152
38	3341
39	3342(1), (2)
40	3342(3)
41	T. 14 § 632
42	Repealed
42a	See 3101
43	302(b)(1), 3101
43a(a)	3102(b)(1), (2)
43a(b)	3102(b) (last sentence)
43a(c)(1)(A)—(D)	3102(a)(1)(A)
43a(c)(1)(E), (F)	3102(a)(1)(B), (C)
43a(c)(2)—(4)	3102(a)(2)—(4)
43a(d)	3102(c)
44	T. 31 § 492-1
45	Repealed
46	3103
46a	5511(a), (b)
46b	5513
46c	T. 31 § 699a
46d	5514(a), (c)
46e	5514(b)
47	3103, T. 18 § 1916
47a	8301
48	T. 28 § 514
49	3106
50	5501, T. 18 § 1916
51	5536
52	5502(a)
53	3108
54	3107
55	See 3109(b)
55a	3109(b)
56 (1st sentence, cls. (a)—(c))	5503(a)(1)—(3)
56 (proviso)	5503(b)
57	See 5504, 6101
58	See 5533
59	See 5533, 5534
59a(a)	See 5532(b)
59a(b)	See 5532(b), (c)
59b	Repealed
59c	See T. 37 § 801(c)
60	Omitted. See T. 2 § 162
61	D.C. Code § 31-631
61a	5552(1), (2)
61a-1	See T. 37 § 501, 501(b), (f); T. 42 § 210-1(c)
61a-1(a)	5534a
61a-1(f)	2101(3)
61b (1st, 2d sentences)	5551(a)
61b (3d sentence)	6306(a)
61b (4th sentence (1)—(3))	6306(b)
61b (5th sentence)	6306(b)
61b (6th sentence)	5551(a)
61c	See 5581(2)(F), 5582(b)
61d	See 5551(a), 6308
61e	See 6301(2) (iv)
61f (intro. text)	5581(1)(A), (B)
61f (First, Fourth cls.)	5582(b) (First, Fourth cls.)
61f (Fifth cl.)	5582(b) (Fifth, Sixth cls.)
61g(1)—(6)	5581(2)(A)—(F)
61g(7)	5581(2)(G), (H)
61h(a)	5583(a)
61h(b)	5583(b)(1)—(3)
61i	5581(2) (last sentence)
61j	5582(a)
61k	5581(1)(i)—(iii)
62	See 5532, 5533
63	See 5532
64	See 5532
64a	Repealed
65	Omitted. See T. 2 § 162
66	T. 18 § 1914
67	T. 7 § 450h
68	T. 8 § 1353c

Title 5 Former Sections	Title 5 New Sections
69	5535(b)(1), 5536
70	5536
70a	5945 (1st sentence)
70b	5945 (2d sentence)
70c	5942
71	5536
72	5535(b)(2), (b) (last sentence)
73	See 5706, T. 28 § 509
73a	See 5704
73b	5731(a)(1), (2)
73b-1(a) (1st sentence, less provisos)	5724(a)(1), (2)
73b-1(a) (1st proviso)	5724(f)
73b-1(a) (2d proviso)	5724(g)
73b-1(a) (3d proviso)	5724(h)
73b-1(a) (4th proviso)	5724(e)
73b-1(a) (5th proviso)	5724(d)
73b-1(b) (1st sentence)	5724(c)
73b-1(b) (2d sentence)	5724(b)
73b-1(c)	5730
73b-1(d) (1st sentence), (1st provision)	5725(a)
73b-1(d) (2d proviso)	5725(b)
73b-1(e)	5726(b)
73b-1(f) (1st sentence	5727(b)(1), (2)
73b-1(f) (2d, 3d sentences)	5727(c)
73b-1(f) (4th sentence)	5727(d)(1), (2)
73b-1(f) (5th sentence)	5727(e)(1)(A), (B), (2)(A), (B)
73b-1(f) (6th sentence)	See 5721(3)
73b-2	5703(b)—(d), 5707
73b-3(a) (intro. text, 1st, 2d provisos, last sentence)	5722, 5728, 5729
73b-3(a) (3d, 4th provisos)	5728(a), (b)
73b-3(a) (5th, 6th provisos)	5729(a), (b)
73b-3(b)	5723(a)—(c)
73b-3(c), (d)	5723(d), (e)
73b-4	T. 41 § 5a; See, also T. 5 §§ 105, 503, 3109(a)(1), (2), 5701 (1), (5), (6), 5703(a), 5721 (1), (3)—(5), 5913(a), 7903 (2d sentence)
73b-4a	5724a(a)
73b-4b	5724a(b)
73b-4c(a)	5726(c)
73b-4c(b)	Repealed
73b-4d	5724(e)
73b-4e	5724a(c)
73b-4f	5724(i)
73b-5	5732
73c	5727(a). See 5727(b)—(e), T. 10 § 2634
73c-1	See former 73b-1
73c-2	Repealed
73d (1st par.)	5722, 5728
73d (2d par.)	See 5742
73e	5731(b)
73f	Repealed
74	See 5702(a)
75	See 5702(a)
75a	See 5911(b)—(d), (f)
75a-1	See 5911(e)
75b	Repealed
75c	See 5225
75d	See 5913(b), 5924(1)
76	Repealed
76a	T. 20 § 244a
77	T. 40 § 491(k)
77a	See T. 31 § 638a
78	T. 31 § 638a
78a	T. 31 § 638b
78a-1	T. 31 § 638c
79	T. 31 § 638d
80	T. 31 § 638e
81	Repealed
81a	Repealed
82	5512
83	5946
84	5505
84a	T. 4 § 111
84b	5517(a)
84c	5517(b)
84d	5518
85	5502(b)
86	See 6103(a), 6104
86a	6103(a), 6104
87	6103(a)
87a	6103(a)
87b	6103(a)
87c(a)(1), (2)	6103(b)(1), (2)
87c(b)	6103(b) (last sentence)
88	T. 31 § 554
89	See T. 28 § 414, T. 44 § 92
90	T. 28 § 414
91	T. 28 § 520
92	See 2903, T. 28 § 637
92a	2903(c) (2)
93	303. See T. 10 § 936(b), T. 14 § 636
93a	Repealed
94	304(a)
95	503(b)(1)
95a	503(b)(2). See T. 28 § 1823
96	304(b)
97, 98	Repealed
99, 100	T. 18 § 207
101	501
102	Repealed
103	5741
103a	5742(a)—(c)
103b	5742(d)
104	T. 31 § 492-2
104a, 105	Repealed
105a	2954
106	2952
107	Repealed
108	T. 44 § 121
109	T. 40 § 483(b)
110	T. 40 § 484-1
111	T. 44 §§ 395(e), 397(a)(1)
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868	1302(b), 7701
869	3316, 3320, 3351 (last sentence)
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901(c)	T. 2 § 60e-2(a). Repealed in part
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932f(g)	Repealed
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2253(c), (d)	8332(f), (g)
2253(e)	8332(a)
2253(f), (g)	8333(a), (b)
2253(h)	8332(h)
2253(i) (1st, 2d sentences)	8332(i) (1st sentence, cls. (1), (2), 2d sentence)
2253(j), (k)	8332(j), (k)
2254(a)—(f)	8334(a)—(f)
2254(g)	8334(g)(1)—(4)
2254(h)	8334(h)
2255(a)—(c)	8335(a)—(c)
2255(d)	8335(d)(1)—(4)
2255(e)	8335(e)
2256(a)—(e)	8336(a)—(e)
2256(a)—(f) (in part)	8336(g)
2256(f) (1st, 2d, 3d sentences)	8336(f)
2256(f) (4th sentence)	8333(c)
2257	8337
2258(a)	8338(a), (c)
2258(b)	8338(b), (c)
2259(a) (less proviso)	8339(a)
2259(a) (1st proviso)	8339(e)(1)
2259(a) (2d proviso)	8339(f)
2259(b) (less proviso)	8339(b)
2259(b) (1st proviso)	8339(e)(1)

Title 5 Former Sections	Title 5 New Sections
2259(b) (2d proviso)	8339(f)
2259(c)(1), (2)	8339(c)
2259(c)(A), (B)	8339(f)
2259(d)	8339(g)
2259(e)	8339(d), (e)(1)
2259(f)—(h)	8339(h)—(j)
2259(i)	8339(k)(1), (2)
2260(a)(1)	8339(i), 8341(b) (1st sentence)
2260(a)(2)	8341(b) (2d, 3d sentences)
2260(b), (c)	8341(c), (d)
2260(d) (1st sentence, cls. (1)—(3))	8341(e)(1)(A)—(C)
2260(d) (2d sentence, cls. (1)—(3))	8341(e)(1)(i)—(iii)
2260(d) (3d sentence, 4th sentence cls. (1)—(6), 5th sentence)	8341(e)(2)(A)—(E) (last sentence)
2260(e)	8341(f)
2260(f)	8341(g)
2261(a)—(g)	8342(a)—(g)
2261(h)(1)	8342(h)
2261(h)(2)(A), (B)	8342(i)(1), (2)
2262(a)	8343(a)(1), (2)
2262(b)—(e)	8343(b)—(e)
2263(a)	3323(b)
2263(b) (1st sentence)	8344(a) (1st sentence)
2263(b) (2d sentence, less proviso)	8344(a) (2d, 3d sentences)
2263(b) (2d sentence, proviso, cls. (1) (2))	8344(a) (4th sentence, cls. (A), (B))
2263(b) (3d sentence)	8344(a) (7th sentence)
2263(b) (4th sentence)	8344(a) (5th sentence)
2263(b) (5th sentence, cls. (1), (2))	8344(a) (6th sentence, cls. (i), (ii))
2263(c)	8344(b)
2263(c)(1)(C)	Repealed
2264	8345
2265	8346
2266(a)—(e)	8347(a)—(e)
2266(f)	1308(c)
2266(g)	8347(f)
2267(a)	8348(a) (2d sentence)
2267(b), (c)	8348(b), (c)
2267(d)	8348(d), (e)
2267(e)	8348(f)
2268(a)(1)(2)	8340(a)(1)(2)
2268(a) (penult. sentence)	Repealed
2268(a) (last sentence)	8340(a) (last sentence)
2268(b)—(e)	8340(b)—(e)
2268(f)	8340(a) (penultimate sentence)
2268(g)(1)(2)(A)(B)	8340(f)(1)(2)
2281(1)	8311(1)
2281(2) (intro. text)	8311(2) (intro. text)
2281(2)(A)—(C)	8311(2)(A)—(C)
2281(2)(D)	8311(2)(D), (E)
2281(2)(E)	8311(2)(F)(i), (ii)
2281(2)(F)	8311(2)(G)(i)(ii)
2281(3) (intro. text)	8311(3) (intro. text)
2281(3)(A)	8311(3)(A)
2281(3)(B)	8311(3)(B)(i), (ii)
2281(3)(C)	8311(3)(C)(i), (ii)
2281(3)(D)	8311(3)(D)
2281(4)	2101(2)
2282(a) (intro. text)	8312(a)(1), (A)
2282(a)(1)—(4)	8312(b)(1)—(4)
2282(b) (intro. text)	8312(a)(2), (B)
2282(b)(1)—(4)	8312(c)(1)—(4)
2283(a)(1), (2)	8314(a)(1), (2), (b)

Title 5 Former Sections	Title 5 New Sections
2283(b)(1)(A)—(C), (2), (3)	8315(a)(1)(A)(i)—(iii), (B), (C), (b)(1)
2283(c)	8315(a)(2), (b) (2)
2283a(1)(A), (B)	8313(a)(1)(A), (B)
2283a(2)	8313(a)(2)
2283a(i)—(iii)	8313(b)(1)—(3)
2284(a)(1), (2), (A)—(C)	8316(a)(1), (A)—(C)
2284(b)	8316(b)
2284(c), (d)	8317(a)
2284a(a)	3817(b)
2284a(b)	8316(a)(2), (b)
2285(a) (1st, 2d sentences)	8318(a)
2285(a) (3d sentence)	8318(d)
2285(a) (4th sentence)	8318 (c)(1)
2285(b) (1st sentence)	8318(b)
2285(b) (2d sentence)	8318(d)
2285(b) (3d sentence)	8318(c)(2)
2285(c)	8320
2286	8321
2287(a)(1)	8319(a)
2287(a)(2)(A), (B)	8319(b)(1), (2)
2287(b)	8319(c)
2288	8322
2301(1)—(3)	Omitted
2301(4)	4117
2302(1)	4101(3)
2302(2)(A)—(C)	4001(1)(A)—(C)
2302(2)(D)	4101(1)(B)
2302(2)(E)—(G)	4101(D)—(F)
2302(3)	4101(2)(A), (B)
2302(4)	Repealed
2302(5), (6)	4101(4), (5)
2302(7)(A)—(E)	4101(6)(A)—(F)
2303a(1)(A)	Repealed
2303(a)(1)(B)—(D)	4102(a)(1)(A)—(C)
2303(a)(2)	4102(a)(2)
2303(b)	4102(b)
2304	4113(a)
2305	4118
2306	4103(1)—(3)
2307	4104
2308	4105
2309(1)	4109(a)(1)
2309(2)(A)—(F)	4109(a)(2)(A)—(F)
2309(2) (last sentence)	4109(b)
2310	4108
2311(a)(1)—(3)	4106(a)(1)—(3)
2311(a)(4)	4106(a) (last sentence)
2311(b)	4106(b)
2312(1), (2)	4107(c)(1), (2)
2313	4107(a)(1), (2)
2314—2316	4114—4116
2317(a)	4113(b)
2317(b)(1)—(3)	1308(a)(4)(A)—(C)
2317(c)	1308(b)
2318(a)	4111(a)
2318(b)	4110
2318(c)	4111(b)
2318(d)	4107(b)
2318(e)	4117
2319	4112
2331(1)	3343(a)(1), 3581(3)
2331(2)	3343(a)(1), 3581(1)
2331(3)	3343(a)(1), 3581(2)
2331(4)	2107
2331(5)	3581(4)
2331(6)	3343(a)(2)
2331(7)	3581(5)
2332(a)—(d)	3343(b)—(e)
2333(a)	3582(a), (b)
2333(a)(1)—(4)	3582(a)(1)—(4)
2333(a)(5), (6)	3582(b)
2333(b)	3582(d)
2333(c)	3583
2333(d)	3582(c)
2334	3584
2351	T. 20 § 901
2352	T. 20 § 902
2353	T. 20 § 903
2354	T. 20 § 904
2355	T. 20 § 905
2356	T. 20 § 906
2357	5334(e)
2358(a)	5541(2)(xiii), 6101(d), 6301(2)(ix)
2358(b)	T. 20 § 907
2358(c)	8331(1) (penult. sentence), 8701(b) (1st sentence)
2371—2379	T. 50 §§ 1501—1509
3001(a)	8901(1)(A)—(G), (i)—(iii)
3001(b)	8901(2)
3001(c)(1)—(3)	8901(3)(A)—(C)
3001(c)(4)(A), (B)	8901(3)(D)(i), (ii)
3001(c) (last sentence)	8901(4)
3001(d)(1)(A), (B), (2)	8901(5)(A), (B)
3001(e)	Repealed
3001(f), (g)	8901(6), (7)
3001(h)	Repealed
3001(i)(1), (2)	8901(8)
3002(a) (1st sentence)	8905(a), 8913(b) (1st sentence)
3002(a) (2d sentence)	8913(b) (2d sentence), (b)(1)
3002(a) (proviso)	8905(b)(2)
3002(b)—(e)	8913(b)—(e)
3002(f) (1st sentence)	See 8901(1)(H); 8913(b) (1st sentence)
3002(f) (2d sentence)	8913(d)
3002(g)	Repealed
3003	8903
3004	8904
3005(a)	8902(a)
3005(b)(1)	8902(b)
3005(b)(2)(A), (B)	8902(c)(1), (2)
3005(c)—(h)	8902(d)—(i)
3006(a)(1)	8906(a)
3006(a)(2)—(4)	8906(b)—(d)
3006(b)	8906(e)
3006(c)(1)—(4)	8906(f)(1)—(4)
3006(c) (last sentence)	8906(g)
3006(d)	8906(h)
3007(a) (1st sentence)	8909(a) (1st sentence), (a)(1)
3007(a) (2d sentence)	8909(a) (2d sentence)
3007(b), (c)	8909(b), (c)
3007(d)(1), (2)	8909(d), (e)
3008(a)	Repealed
3008(b)	8909(a)(2)
3009(a)	8913(a)
3009(b)	8913(c)
3009(c)	8908
3009(d) (1st sentence)	8907(a)
3009(d) (2d sentence)	8907(b)(1)—(3)
3010	8910
3011	1308(e)
3012	8911
3013(a)	1104(a)(2), 5109(b)
3013(b)	See 5316(99)
3014	8912
3031	Omitted
3032(1)	5921(1)
3032(2)(A)—(D)	5921(2)
3032(3)—(5)	5921(3)—(5)
3032(6)	5921(6)(A), (B)
3033	5922(a)
3034 (1st paragraph)	5922(b)(1), (2)
3034 (2d paragraph)	5922(b) (last sentence)
3035	5922(c)(1)—(3)
3036(1), (2)	5923(1), (2)
3036(3)	5923(3)(A), (B)
3037(1)	5924(1)
3037(2)	5924(2)(A), (B)
3037(3), (4)	5924(3), (4)
3038	5925
3039	5913(b)(1), (2)
3051—3060	Omitted. See 8901—8913
3071(1)(A)—(C)	5521(1)(A)
3071(1)(D)	5521(1)(B)
3071(1)(E)	5521(1)(A)
3071(1)(F)	5521(1)(C)
3071(1)(G)	5521(1)(E)
3072(a), (b)	5522(a), (b)
3072(c), (d)	5522(c)
3073(a)(1)	5523(a)(1), last sentence
3073(a)(1)(A), (B), (2), (b), (c)	5523(a)(1)(A), (B), (2), (b), (c)
3074	5524
3075	5525
3076	5527
3077	Repealed
3078	5526
3101(1)	3326(a), 3501(a)(1), 5531(1)
3101(2)	3501(a)(2), 6303(a)
3101(3)	5531(2)
3102(a)	5532(b)
3102(b)(1), (2)	5532(c)(1)(A), (B)
3102(c)(1), (2)	5532(c)(2), (c)(i), (ii)
3102(d)	5532(a)
3102(e)	5532(e)
3102(f)—(h)	Omitted
3103(a)	3326(b)
3103(b)	3326(c)
3104	Omitted
3105(a)—(c)	5533(a)—(c)
3105(d)(1)—(4)	5533(d)(1)—(4)
3105(d)(5)	5533(d)(5)(A), (B)
3105(d)(6)	5533(d)(6)
3105(d)(7)(A)	5533(d)(7)(G)
3105(d)(7)(B)	5533(d)(7)(A)
3105(d)(7)(C)	5533(d)(7)(G)
3105(d)(7)(D)	5533(d)(7)(E)
3105(d)(7)(E)	5533(d)(7)(C)
3105(d)(7)(F)	5533(d)(7)(D)
3105(d)(7)(G)	5533(d)(7)(H)
3105(d)(7)(H)	5533(d)(7)(B)
3105(d)(7)(I)	5533(d)(7)(F)
3105(e)	Omitted
3105(f)	5533(e)
3121(1)	5911(a)(1)
3121(2)(A)—(D)	5911(a)(2)
3121(3)—(6)	5911(a)(3)—(6)
3121(7)	See 2101(3)
3122	5911(b)
3123	5911(c)
3124	5911(d)
3125	5911(e)
3126	5911(f)
3127	5911(g)

TITLE 6—OFFICIAL AND PENAL BONDS

[*This title was enacted into law by Act July 30, 1947, ch. 390, § 1, 61 Stat. 646. This table shows where sections of former Title 6 have been incorporated in revised Title 6*]

Title 6 Former Sections	Title 6 New Sections	Title 6 Former Sections	Title 6 New Sections	Title 6 Former Sections	Title 6 New Sections
1	1	6	6	11	11
2	2	7	7	12	12
3	3	8	8	13	13
4	4	9	9	14	14
5	5	10	10	15	15

TITLE 9—ARBITRATION

[*This title was enacted into law by Act July 30, 1947, ch. 392, § 1, 61 Stat. 669. This table shows where sections of former Title 9 have been incorporated in revised Title 9*]

Title 9 Former Sections	Title 9 New Sections	Title 9 Former Sections	Title 9 New Sections	Title 9 Former Sections	Title 9 New Sections
1	1	6	6	11	11
2	2	7	7	12	12
3	3	8	8	13	13
4	4	9	9	13	Rep.
5	5	10	10	15	14

TITLE 10—ARMED FORCES

[*This title was enacted into law by Act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1, replacing former Title 10, Army and Air Force, and Title 34, Navy. Tables for both former titles are set out*]

A. Title 10, U.S.C.

[*Showing disposition of all sections of former Title 10, Army and Air Force. Sections noted as "Repealed" were repealed prior to the enactment of Title 10, Armed Forces, and are not covered in the revised Title*]

Title 10 Former Sections	Title 10 New Sections	Title 10 Former Sections	Title 10 New Sections	Title 10 Former Sections	Title 10 New Sections
1	Omitted	15	See Title 18, § 1385	20s(d)	8222, 8223
1a	101, 3001	15a	4711, 9711	20t	8062
1b	3062	16	3061, 8061	21	See § 3031
1c	3075	16a	3492, 8492	21a	3031
1d, 1e	3074	17, 17a	Repealed	21b	3034
1f	Omitted	18	See Title 37, § 31a (Rep. See Title 37, § 501)	21c	3055
1g(a)	3063			21d	3034
1g(b)	3064	19	1031	21e	3032
1g(c-f)	3065	19a	4833	21f	3036
2	See § 3062	20	3062, 8062	21g	3039
3	See §§ 101, 3001	20a	4503, 4531, 9503, 9531	21h	3037, 3040
4	See §§ 3063-3065, 3075	20b, 20c	3681 note	22	See § 3031
5	See § 3074	20i	3062	22a	See § 3034
6	See §§ 3036, 3212	20j(a)	3201	23	See § 3031
7	See § 3035	20j(b)	3205, 3213	23a	Repealed
8	See §§ 3283, 3533	20j(c)	3225	24, 25	See § 3031
9, 10	Omitted	20j(d)	3222, 3223	26	See § 3296 et seq.
11	3536	20r	8062	27	See §§ 711, 3066, 3531, 3962, 3991, 8066, 8531, 8962, 8991
12	Omitted	20s(a)	8201		
13	Repealed	20s(b)	8205, 8213		
14	Omitted	20s(c)	8225	28, 29	Repealed

Title 10 Former Sections	Title 10 New Sections
30, 31	See § 3031
32, 32a	See § 3032
33, 33a	See § 3034
34-36	See § 3032
37	Omitted
38	3033, 3034, 8033, 8034
41	See §§ 3036, 3063-3065
42	Repealed
51	See § 3039
52	4024
53	Omitted
61	See §§ 3072, 3209, 3210
61—1	3072, 3209, 3210
61a	3037
62	3037, 8072
62a	3037
63	Omitted
64	See §§ 3299, 3300
65	3292
66-70c	Omitted
71	See §§ 3036, 3063-3065
72	See § 3036
72a	4533, 4561
73	4749
74	Omitted
75	4564, 9564
76	4564, 9564
77	Omitted
81	See §§ 3067-3070
81—1	3067-3070
81—2	3311, 3685, 3818, 8067, 8685, 8818
81a	See § 3296 et seq.
82	3579, 8579
83	Repealed
91	See §§ 3067-3070
91a	3294, 8294
91b	Omitted
92	See § 3289
92a	Repealed
93	3289, 8289
94	Omitted
95	3579, 8579
96	3546 (Rep.) 8546 (Rep.)
97-100	See § 3296 et seq.
101	3302, 8302
102	3302, 8302
103	3302, 8302
104	Repealed
105, 106	3539
107	4022, 9022
108	4022, 9022
121	See §§ 3067-3070
121a	3294, 8294
121b	Omitted
122, 123	See §§ 3294, 8294
124	Omitted
125	3302, 8302
126-128	See § 3296 et seq.
129, 130	Repealed
131	Omitted
141	See § 3294
142	Omitted
143	See § 3296 et seq.
143a	3302, 8302
144, 145	See § 3296 et seq.
151, 145a—1	Omitted
145a	Repealed
146	See § 3290
152	Omitted
153, 154	See § 3296 et seq.
155, 156	Repealed
156a	3068' 3209
156b	3068
156c	3504, 3962, 3991
156d	3068
156e	3287, 3290
156f-156i	Omitted
161-165	Omitted
166(a)	3069, 3206, 8206
166(b)	3069
166(c)	3291, 8291
166(d)	3291 note
166a(a)	3070, 3207, 8207
166a(b)	3070
166a(c)	3291, 8291 (Rep.)
166a(d)	3291 note
166b to 166b—2	Omitted
166b—3	See § 8067
166c to 166d—1	Omitted
166e(a)	3574, 3579, 8574, 8579
166e(b)	3574 note
166e(c)	8574 note
166f	3206, 3207, 3212, 3304, 8206, 8207, 8212, 8304
166g(a), (b)	3504, 3881 (Rep.), 3882 (Rep.), 3887 (Rep. See § 3991), 3912 (Rep.), 3928 (Rep. See § 3991), 3962, 3991, 8881 (Rep.), 8882 (Rep.), 8887 (Rep. See § 8991), 8912 (Rep.), 8928 (Rep. See § 8991), 8991
166g(c)	Repealed
166h	Omitted
166i	3683, 8683
166j	3818, 8818
166k	3205
166l	Omitted
171	See §§ 3036, 3063-3065
172, 173	See §§ 3063-3065
174, 175	Repealed
176, 177	Omitted
181	3036, 3040, 3074, 3209, 3216
181a	3040, 3209, 3493; Title 33, § 583a
181b	3038
181c	3535
181d	3535 note
182	Repealed
183	Omitted
184	Repealed
185-188	Omitted
189	3534; D.C. Code 1-201, 203, 206-210, 213, 220, 802, 803
190	3534
190a	Title 33, §§ 575, 701b-9
190b	Title 33, §§ 576, 701b-10
191	See §§ 3036, 3063-3065
192-195	See § 3034
196-197a	Omitted
198	Omitted
199	Title 33, §§ 575, 701b-9
211	See §§ 3036, 3063-3065
212	See § 3034
213	Omitted
214	Repealed
215	Omitted
221	See §§ 3036, 3063-3065
222	See § 3034
223	Omitted
231	See § 3293
231a	3073
232	3293, 8293
233	Omitted
234	See § 3073
235	3581, 8581
236	See § 3571 et seq.
237	See § 3296 et seq.
238	3547, 8547
239	3547, 8547
240	Omitted
251	See §§ 3063-3065
252, 253	Repealed
261	Repealed
262	See §§ 3063-3065
271	Repealed
272	See §§ 3063-3065
273	Repealed
274, 275	Omitted
276	Repealed
277	Omitted
281	See §§ 3063-3065
282	Repealed
283	Omitted
291-291b	Omitted
291c	3691, 8691
291c—1	3691, 8691
291d	3692, 8692
291e	3691, 8691
291f	Repealed
291f—1	Omitted
291f—2	8257
291g	Omitted
292	Repealed
292—1, 292a	Omitted
292a—1	Repealed
292a—2, 292a—3	Omitted
292b	See § 8062
292b—1	Repealed
292b—2, 292b—3	Omitted
292c	8537
292c—1	9305
292d, 293	Omitted
294	8577
295	Omitted
296, 296a	9303
297	Omitted
297a	8257
298, 298a	Omitted
298a—1	9304
298b	4656, 9656
298c	4628, 9628
299	8257, 8356, 8817
299a	Omitted
299b-299d	Repealed
299e	8356
300-300c	Omitted
301	Repealed
302	Omitted
303	See Title 37, §§ 232(e), 235(b) (Rep. See Title 37, §§ 201, 301)
304	Title 37, § 251(a) (Rep. See Title 37, § 402(a)-(c)
304a-305	Omitted
306	Repealed
307	Omitted
308	Repealed
308a, 309	Omitted
310	2271-2277, 2279
311	2382
312	2278
313	See Title 41, § 151 (Rep.)
316	3071
316—1	3071
316a	3209, 3215
316b	3071, 3504, 3962, 3991
316c(a)	3311
316c(b)	Omitted
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B. Title 34, U.S.C.

Showing disposition of all sections of former Title 34, Navy. Sections noted as "Repealed" were repealed prior to the enactment of Title 10, Armed Forces, and are not covered in the revised Title]

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81	Repealed
82	Omitted
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653, 654	Repealed
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752-770	Repealed
771, 772	6115
773	Omitted
774	Repealed
781-790	Repealed
801-805	Repealed
811	Repealed
821, 822	6901
831	Omitted
841	See §§ 7851-7854
841a-841e	6915; Title
841a-841e	14, §§ 758a, 759a
841f	Omitted
841g	Title 14, §§ 758a, 759a
841h	6915; Title 14, §§ 758a, 759a
842, 843	Repealed
843a	Omitted
844-850	Repealed
850a-850b	6911
850c	6912
850d	Omitted
850e	6912
850f, 850g	6913
850h	5788
850i	See § 671 et seq.
850j	Repealed
850k-850m	Omitted
851, 852	Repealed

Title 34 Former Sections	Title 10 New Sections
853, 853a	See § 261 et seq.
853a—1	Repealed
853b	See § 261 et seq.
853c	See § 671 et seq.
853c—1	Omitted
853c—2 to 853c—4	6902
853c—5	See § 1201 et seq.
853c—6	Omitted
853d	See § 1201 et seq.
853e	See Title 37, § 231 et seq. (Rep. See Title 37, § 101 et seq.)
853e—1	683 note
853f, 853g	Repealed
853g—1	Omitted
853h-853j	Repealed
854	6330
854a	6330, 6332
854b	Omitted
854c	6330, 6331
854c—1 to 854c—5	6330 note
854d	6485, 6486
854e	6331, 6485
854f	6201
854g	Omitted
855-855b	Repealed
855c, 855c—1	6148
855c—2	Repealed
855c—3	3687 note
855c—4	Omitted
855d-857c	Repealed
857c—1	Omitted
857d-858c	Repealed
861-861f	Repealed
862, 863	6141
864	Repealed
864a, 864b	5507
865	Omitted
865a	Title 37, § 257 (Rep. See Title 37, § 414(b))
865b	5062
866	Omitted
867-869	Repealed
870	5788
870a	Omitted
871	See Title 37, § 38 (Rep. See Title 37, § 501 et seq.)
872-874	Omitted
875	See Title 37, §§ 310c, 310d (Rep. See Title 37, § 1006)
875a	Title 37, § 310c (Rep. See Title 37, § 1006)
875b	Title 37, § 310d (Rep. See Title 37, § 1006)
876	Repealed
877, 877a	See § 555 et seq.
878	See Title 37, § 231 et seq. (Rep. See Title 37, § 101 et seq.)
879	6321, 6322, 6326
879a-880	Omitted
881	6406
882	See § 6111
822a	6111
882b	See § 6111
882c, 882d	6111
883	6112
884	See § 555 et seq.
885	6152
886	See Title 37, § 235 (Rep. See Title 37, § 301)
887	See Title 37, § 231 et seq. (Rep. See Title 37, § 101 et seq.)
887a	Omitted
888, 889	Repealed
890	2772
891	6154
892-894	See Title 37, § 253 (Rep. See Title 37, § 401 et seq.)
894a	Omitted
895, 895a	See Title 37, § 253 (Rep. See Title 37, § 401 et seq.)
896-897	Omitted
898	6157; Title 14, § 471a
899	See Title 37, § 253 (Rep. See Title 37, § 401 et seq.)
899a	7523
900-900b	See Title 37, § 253 (Rep. See Title 37, § 410 et seq.)
901	See §§ 6081, 6086
901a	6081, 6086
902	See § 6082
902a-902c	6082
902d	6083
903	Repealed
904, 905	Omitted
906	Repealed
907	See §§ 6081, 6086
908	6084
909	6085
911	7571
911a	7571, 7572
911b-911d	7574
911e	Repealed
912-914	Omitted
915	7572
915a	7576
915b	6087, 7578 (Rep.), 7579
915c-917	Omitted
918, 919	Repealed
921	See § 6203
921a, 921b	6203
922-929	See § 1481 et seq.
931	6146
932	6142
933-936	See § 1035
937-939	1035
941	See § 2771
941a	2771
942	6522
943, 944	6521 (Rep.)
945	Omitted
951	Title 37, § 243 (Rep. See Title 37, § 902(c))
952	Title 37, § 244 (Rep. See Title 50 App., §§ 1002, 1006)
953	6145
954	6144
961	6147
962	Omitted
963	6147
971-973	See Title 37, § 231 et seq. (Rep. See Title 37, § 101 et seq.)
974	Omitted
975	See § 1035
976	See §§ 6081, 6086
977	See Title 37, § 253 (Rep. See Title 37, § 401 et seq.)
981-989	See § 2731 et seq.
991	See § 1201 et seq.
992-993b	Omitted
993c	6151
993d-1001	Omitted
1011	See § 808
1012-1017	Omitted
1020, 1020a	6903
1020b	6904-6906
1020c	6904-6906
1020d	6023, 6906
1020e	5504, 6023, 6904, 6906, 6909
1020f	6907 (Rep.), 6909
1020g	6907 (Rep.), 6907 (Rep.), 6908, 6909
1020h	6908, 6909
1020i	6903
1020j	6910
1020k	Omitted
1020l	6901
1020m	Omitted
1021	6951
1031	Omitted
1032	6954, 6958
1032—1	6955
1032a	See § 6956
1033	Repealed
2033a, 1034	6953
1035	Omitted
1036 to 1036—2	6957
1036a-1039	6954
1040, 1041	6956
1042, 1043	6958
1044	Omitted
1045	See §§ 6956, 6958
1045a	See § 6959
1046	Omitted
1047	6956, 6958
1048	6959
1049	6956
1051	Omitted
1052	See § 6960
1052a	6960
1053	6963
1054	6966
1055	Omitted
1056	6966
1057	5504, 5573
1057—1	541
1057a	6967
1057a—1	7047
1057b	Repealed
1061	See § 801 et seq.
1062	6961
1062a	6962
1063-1067	6964
1068	6965
1071	6952, 7478
1072	Repealed
1073	7082
1073a	7083
1073b	7084
1073c	7081
1073c—1	7081, 7085
1073c—2	7086
1073c—3	7087
1073d	7081
1073e	7088
1073f	7085 note
1074	7043, 7081
1076	7041
1076a	7042
1076b	7044, 7081
1076c	7043
1076d	7046
1076e	7045
1076f	7047
1081	See § 6968
1082	Omitted
1083-1088	6968
1091	Omitted
1091a	6969
1101-1103	6970
1104, 1105	Omitted
1106	6971
1107	Omitted
1108	See § 6971
1108a	Omitted
1108b	6971
1109	See § 6971
1109a	Omitted
1110	See § 6971
1110a	Omitted
1111	6972
1115-1115c	6973
1116, 1117	Omitted
1118-1120	6974
1121	Title 46, § 1335
1122	Title 46, § 1336
1123	5986
1123a	Title 46, § 1337
1123b	Title 46, § 1338

Title 34 Former Sections	Title 10 New Sections
1123c	Title 46, § 1339
1123d	Title 46, § 1340
1123e	Title 46, § 1341
1123f	See Title 40, §§ 483, 484
1124	Omitted
1125	Omitted
1126	5986
1127	Omitted
1128	7547
1129, 1130	5984
1131, 1132	7651
1133	7657
1134	7658
1135	7659
1136	7656
1137	7655, 7676
1138	7660, 7661
1139	7662
1140	7663
1141	7653, 7654
1142	7664
1143	7665
1144	7666
1145	7667
1146	7680
1147	7679
1148	7669
1149	7670
1150	7670, 7671
1151	7668
1152	7677
1153	7673
1154, 1155	7676
1156	7675
1157	7674
1158	7651, 7672
1158a	Omitted
1159	7651, 7652
1160	7653
1161	7652
1162	7663
1163	7655, 7676
1164	7652
1165	7681
1166	7652
1167	7678
1200, 1201	See § 801 et seq.

TITLE 13—CENSUS

[*This title was enacted into law by Act Aug. 31, 1954, ch. 1158, 68 Stat. 1012. This table shows where sections of former Title 13 have been incorporated in revised Title 13*]

Title 13 Former Sections	Title 13 New Sections
1	2
2	21
3, 4	Omitted
5	22
6	22
7–9	Omitted
21–41	Omitted
41a	Omitted
42–55	Omitted
61–69	Omitted
71	41
72	42
72a	42
73	9, 214
74	43, 224, 241
75	44
76	45
77	Omitted
81	61
82	5
83	9, 214
84	224, 241
85	62
86	63
91–98	Omitted
101	T. 42, § 244a
106	142
106 note	Omitted
107	Omitted
111	5, 24, 101, 102, 103, 225
112	Omitted
113	101
114	Omitted
121	131, 181
122	6, 9, 24, 25, 211, 212, 213, 214, 221, 222, 223, 224, 225
123	5, 132
201	141
202	143 (Rep. See § 141)
203	23, 24
204	5, 144 (Rep. See §§ 141(a), 142)
205	25
206	145 (Rep. See §§ 141(a), 142(a))
207	211
208	9, 212, 213
209	221, 222, 223
210	224
211	9
212	Omitted
213	7
214	(Rep. See T. 39 §§ 4152, 4153, 5003)
215	6
216	5, 23, 146 (Rep. See §§ 142 (a), 191, 193)
217	Omitted
218	8
219, 220	Omitted
251	5, 161, 163
252	6, 9, 24, 162 (Rep. See § 6(b)), 211, 212, 213, 214
253	Omitted

TITLE 14—COAST GUARD

[*This title was enacted into law by Act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495. This table shows where former sections of Title 14 have been incorporated in revised Title 14*]

Title 14 Former Sections	Title 14 New Sections
1	1, 3, 4(a) (b)
2	467
3	3, 571 (Rep. See T. 10 § 801 et seq.)
3a	481, 465, 488, 576 (Rep. See T. 10 § 801 et seq.)
5	41
6a	42
6b	47, 222, 462
6c	225
6d	224(c)
7	4(c)
9	41, 43 (Rep. See T. 10 § 741)
10a	224(c), 226
11	44, 45 (Rep.)
11a	47, 48 (Rep.)
12	47, 48 (Rep.)
13	485(b)
15	182, 183
15a	184
15a—1	182, 185
15b	187, 188
15c	187, 189
15d	186
15e	191
15f	190
15g	193
15h	194
15i	192
15k	476
16	223
16c	223
17	223
18	223, 224
20a	228, 461
20a—1	228
20a—2	301
20c	228
21	41, 225
21a	228, 301
22	632
23	352
25	182
26	636
27	636
28	92(b), 144(a), 145(a)
29	88, 92(c), 93(b)
30	485(a)
31	144(b), 145(b)
31a	144(c)
31b	93(k)
31c	151
34	632
35	351, 365 367,
35a	351, 367
35b	366
35c	367
36	651
37	651
39	484
41	505 (Rep. See T. 10 § 1481)
41a	504 (Rep. See T. 10 § 1481)
42	145
43a	641
45	89(a)
46	89(b)
47	89(c)
48	634(a)
48a	91

Title 14 Former Sections	Title 14 New Sections
49	148
50b	640 (Rep. See T. 10 § 2571)
50c	643
50k	90(a)
50l	90(b)
50m	81
50n	82
50o	81
51	89, 92(i)
52	89, 93(a)
53	88, 93(a)
54	93(c)
55	88, 93(d)
57	145(a)
58	632
60	88
61	88(a)
62	88
63	88
64	638
66	89
67	89
68	637
69	92(d), 93(h)
71	646
91	93(d), 632
92	633
93	92(c), 93(b)
94	92(c), 93(h)
95	92(a), 93(b)
96	92(f)
97	93(b), (c)
98a	92(c), 93(b)
99	632
103	632
104	89(b), 88(a)
108	93(h), (i)
109	92(d), 93(h), (i)
110	93(m)
111	93(e)
112	93(b), (c)
121	461
129	464
131	92(i)
132	479
133a	475
134	478(b)
135	478
136a	466 (Rep. See T. 37 §§ 361-365)
138	472 (Rep. See T. 37 § 253 (a))
141	562 (Rep. See T. 10 § 801 et seq.)
142	561 (Rep. See T. 10 § 801 et seq.)
143	563 (Rep. See T. 10 § 801 et seq.), 564 (Rep. See T. 10 § 801 et seq.), 566 (Rep. See T. 10 § 801 et seq.) 567, (Rep. See T. 10 § 801 et seq.)
144	569(a) (Rep. See T. 10 § 801 et seq.)
145	569(b) (Rep. See T. 10 § 801 et seq.)
146	570 (Rep. See T. 10 § 801 et seq.)
147	575, (Rep. See T. 10 § 801 et seq.) 644
148	482
161	46
161a	49 (Rep.)
162	49 (Rep.)
162a	230, 232, 243, 303 (Rep.), 313 (Rep.), 423
164	240, 310
165	240, 310
165a	241, 311
165b	240, 241, 310, 311
167	423
167b-2	483
168	246 (Rep. See T. 10 § 1207), 315 (Rep. See T. 10 § 1207), 364 (Rep. See T. 10 § 1207)
169	233 (Rep. See T. 10 §§ 1204, 1376), 241, 306 (Rep. See T. 10, §§ 1204, 1376), 311, 356 (Rep. See T. 10 §§ 1204, 1376)
170	425 (Rep. See T. 10 § 1216), 635
171	234
172	233 (Rep. See T. 10 §§ 1204, 1376), 245, 306 (Rep. See T. 10 §§ 1204, 1376), 314 (Rep. See T. 10 § 1207), 356 (Rep. See T. 10 §§ 1204, 1376), 363 (Rep. See T. 10 § 1207)
173	230, 303 (Rep.), 353
174	421(b)
174(a)	239, 309 (Rep.)
175	231, 304 (Rep.), 354, 424
175a	238, 244
175b	235
175c	423
185	357(a)
185a	355
185b	358
185c	359, 360
185d	357(a), (c), 423
185e	633
186	755(e)
192	93(m)
193	500
194	500
195	500
196	500
201	226
203	226(a)
204	226(a), 227
206	302, 351
260	821
261	822
262	823
263	821
264	825
265	826
266	827
266a	828
266b	829
267	830
268	831
270	832
271	893
301	751 (Rep.)
302	752 (Rep.)
303	754
304	751 (Rep.)
305	753 (Rep.) 754
306	755
307	756
308	757
309	758 (Rep. See T. 10 §§ 101, 801)
310	759 (Rep.)
311	755(c)
312	760
313	761
351	753 (Rep.), 823
352	891, 892
354	894

TITLE 17—COPYRIGHTS

[*This title was enacted into law by Act July 30, 1947, ch. 391, 61 Stat. 652. This table shows where sections of former Title 17 have been incorporated in revised Title 17*]

Title 17 Former Sections	Title 17 New Sections
1	1
2	2
3	3
4	4
5	5
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
18	19
19	20
20	21
21	22
22	23
23	24
24	24 note
25	101
26	102 (Rep. See T. 28 § 1338)
27	103 (See F. R. Civ. P.)
28	104
29	105
30	106
31	107
32	108
33	109
34	110 (Rep. See T. 28 § 1338)
35	111 (Rep. See T. 28 § 1400)
36	112
37	113
38	114
39	115
40	116
41	27
42	28
43	29
44	30
45	31
46	32
47	201
48	202
49	203
50	204
51	205
52	206
53	207
54	208
55	209
56	210
57	211

Title 17 Former Sections	Title 17 New Sections
58	212
59	213
60	214
61	215
62	26
63	6
64	6
65	25

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

[*This title was enacted into law by Act June 25, 1948, ch. 645, § 1, 62 Stat. 683. This table shows where sections of former Title 18 have been incorporated in revised Title 18*]

Title 18 Former Sections	Title 18 New Sections
1	2381
2	2381
3	2382
4	2383
5	953
6	2384
7	2389
8	2390
9	2387
10	2385
11	2385, 2387
12	Cr. Proc. R. 41(c)
13	2385, 2387
14	2386
15	2386
16	2386
17	2386
21	958
22	959
23	962
24	961
25	960
26	T. 22 § 461
27	T. 22 § 462
28	T. 22 § 463
29	T. 22 § 464
30	959
31	967
32	963
33	964
34	965
35	966
36	963, 964, 965, 966, 967
37	756, 3058
38	T. 22 § 465
39	5, 3241
51	241
52	242
53	Repealed
53a	2236
54	372
55	592
56	593
57	593
58	593
59	592, 593
61	594
61a	595
61b	600
61c	601
61d	604
61e	605
61f	598
61g	594, 595, 598, 600, 601, 604, 605
61h	T. 5 § 118i
61i	T. 5 § 118j (Rep. See §§ 118o–118r)
61j	Unnecessary
61k	Unnecessary
61*l*	T. 5 § 118k
61m	608
61m 1	611
61n	595
61*o*	T. 5 § 118*l*
61p	T. 5 § 118m
61q	Omitted
61r	T. 5 § 118n
61s	595
61t	610
61u	595
62	612
62a	612
62b	612
71	497
72	494
73	495
74	1002
75	1016
76	912
76a	701
76b	701
76c	707, 916
76d	707
76e	705
77	Repealed
77a	913
78	914
79	1003
80	287, 1001
81	289
82	641, 1361
83	286
84	1022
85	1023
86	1024
87	641
88	371
89	871
90	T. 34 § 1167 (Rep. See T. 10 § 7678)
91	201
92	285
93	434
94	1381
95	1232 (Rep.)
96	2152
97	1382
97a	1383
97b	757
98	11, 957
99	2112
100	641
101	641, 3435
102	641, 1361; D.C. Code
103	1852
103a	1851
103b	1851
104	1853
105	1854
106	1855
107	1856
107a	1863
108	3613
109	1862
110	1857
111	1858
112	1859
113	1860
114	1861
115	T. 25 § 202
116	1362
117	2074
118	111
119	496
120	551
121	2231, 2232, 2233
122	T. 19 § 7
123	912
124	211
125	543
126	541
123	1019
128	2233
129	507
130	1017
131	506
132	499
133	5
134	Obsolete
135	Repealed
136	498
137–143	Repealed
144	2194
145	41
146	508
147	509
148	3056
149	214
150	215
151	214, 215
171	872
172	652
173	653
174	650
175	648
176	643
177	649
178	649
178a	371
179	3497
180	3487
181	6514
182	641
183	654
184	435
185	646
186	645
187	647
188	2075
189	2073
190, 191	Repealed
192	1901
193	291
194	1091
195	1018
196	1912
198	283
198a	283
199	205
200	204
201	1913
202	216
203	281
204	431
205	432
206	433
207	202
208	602
209	603
210	606
211	607
212	602, 603, 606, 607
213	T. 5 § 118o
214	1902

Title 18 Former Sections	Title 18 New Sections
215	2072
216	1905
231	1621
232	1622
233	1506
234	2071
235	2071
236	505
237	206
238	207
239	208
240	210
241	1503
241a	1505
242	271
243	1504
244	755
245	1501
246	752, 1071
247	752
248	753
249	754
250	873
251	4
252	752, 1792
253	1114, 2231
254	111, 2231
261	8
262	471
263	8, 471, 472
264	474
265	472
266	476
267	477
268	473
269	642
270	478
271	479
272	482
273	483
274	480
275	481
276	484
277	485
278	490
279	331
280	332
281	486
282	491
282a	491
283	487
284	488
285	489
286	492
287	Cr. Proc. R. 41(a) (b) (f)
288	11
289	335
290	8, 475
291	333
292	475
293	336
294	371
301	12
302	1729
303	1693
304	1696
305	1697
306	1696
307	1694
308	1695
309	1696
310	1730
311	1731
312	1706
313	1707
314	1704
315	2115
316	2116
317	1702, 1708
318	1703, 1709
319	1703, 1710
320	2114
321	1705, 1708
321a	1725
322	1700
323	1698
324	1701
325	1701
326	1724
327	1699
328	1720
329	1712
330	1726
331	1721
332	1727
333	1713
334	1461
335	1463, 1718
336	1302
337	1303
338	1341
338a	876, 3239
338b	877, 3239
338c	1714
338d	Unnecessary
339	1342
340	1716
341	Repealed
342	Obsolete
343	1717
344	1717
345	1717
346	5, 1717
347	500
348	501
349	11, 502
349a	503
350	504
351	1723
352	1732
353	1722
354	288
355	1711, 3497
356	440
357	1719
358	1728
359	1692
360	12
361	1715
381	5, 1364
382	831, 832
383	835
384	833
385	832, 833, 834, 835
386	832, 833, 834, 835
387	1301
388	1264
389	1265
390	1263
391	42
392	43
393	44
393a	43, 44, 3054, 3112
394	42, 43, 44
395	T. 16 § 668d
396	1462
396a	1761
396b	1761
396c	1762
396d	1762
396e	1762
397	2421
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419	Unnecessary
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432	T. 46 § 1354
433	T. 46 § 1355
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436	T. 46 § 1358
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496	1653
497	1656
498	1657
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505	1081
506	1082
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508	Unnecessary
511–521	Omitted
518a	1384
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523	244
532	Obsolete
533	Obsolete
534	Obsolete
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555	Cr. Proc. R. 7 (a)
556	Cr. Proc. R. 6(d), 52(a)
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557	Cr. Proc. R. 8, 13, 14
558	Cr. Proc. R. 7
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561	Cr. Proc. R. 12 (b) (5.
562	3432
562a	Cr. Proc. R. 10
563	3005
564	Cr. Proc. R. 11, 12(b) (3)
565	Cr. Proc. R. 31(c)
566	Cr. Proc. R. 31(a) (b)
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569	3565
570	3612
571	T. 1 § 1
572	Obsolete
573	Omitted
574	3241
575	3059
576	3401
576a	3402
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581	3282
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582	3282
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586	T. 26 [I.R.C. 1939] § 3748(b) (See T. 26 [I.R.C. 1954] § 6531)
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592	Obsolete
593	Cr. Proc. R. 5(a)
594	3045
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601	Cr. Proc. R. 46(f) (1) (2)
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604	3049
605	3012
611–616	Cr. Proc. R. 41
617	3105
618	3109
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620–626	Cr. Proc. R. 41
627	Unnecessary
628	2231
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633	Unnecessary
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642	T. 46 § 7
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644	T. 28 § 1822
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663	3194
664	Omitted
665	755
666	Omitted
667	T. 28 § 633
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671	D.C. Code
672	D.C. Code
673	D.C. Code
674	D.C. Code
675	D.C. Code
676	D.C. Code
681	Cr. Proc. R. 37
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694	4082, 4083
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712a	Obsolete
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714	4202
715	4201
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718	4206
719	4207
720	Obsolete
721	4281
722	4202
723	3570
723a	4201
723b	Omitted
723c	4205
724	3651
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726a	T. 28 § 604
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729	T. 28 §§ 1495, 2513
730–732	T. 28 § 2513
733	4085
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733b	4085
741	4001
742	4082, 4083
743	4008
744	4122, 4123
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744b	4125
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749	Superseded
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753e	4001
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754	4004
761	4042
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763	4083
764	4121–4128, 4162
765	Unnecessary
766	Obsolete
767	Unnecessary
768	Omitted
769	4121–4128, 4162
770–776	4121–4128, 4162
791	4042
792	4082, 4083
793	4121–4128, 4162
794	4121–4128, 4162
795	4121–4128, 4162
796–801	4121–4128, 4162
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812	Unnecessary
813	Omitted
814	4042
815	4008, 4082, 4083
816	4321
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818	See 4161, 4201 et seq.
819	4281
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833	Executed
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838	4121–4128, 4162
839	4161, 4201 et seq.
840	4281
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854	4125
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871	Executed
872	Unnecessary
873	Executed
874	4042, 4121–4128, 4162
875	4121–4128, 4162
876	4241
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880	Executed
901	Executed
902	Executed
903	Unnecessary
904	Executed
905	4042, 4121–4128, 4162
906	4121–4128, 4162
907	4081
908	1791
909	751
910	752, 1072
911	Executed
912	Executed
921	5031
922	5032, 5033
923	5033
924	5034
925	5035
926	5036
927	5037
928	D.C. Code
929	Omitted

TITLE 23—HIGHWAYS

[*This title was enacted into law by Pub. L. 85–767, § 1, August 27, 1958, 72 Stat. 885. This table shows where sections of former Title 23 have been incorporated in revised Title 23*]

Title 23 Former Sections	Title 23 New Sections
1	Omitted
2	101
2a	101(a)
2b	101(a)
3	Omitted
3a	Omitted
3b	Omitted
4	Omitted
5	Omitted
6	103(b), 103(e), 105(c), 121(c)
6—1	103(c)
6a	103(d)
6a—1	105(d)
6a—2	310
6b	Omitted
6c	Omitted
7	110(a)
8	109(a)
8a	109(a), 112(a)
9	301
9a	129(a)
9a—1	Omitted
9b	129(a)
10	109(a)
10a	Omitted
10b	Omitted
10c	Omitted
11	Omitted
12	105(a), 106(a), 106(c), 121(d)
12a	121(c)
12b	Omitted
13	114(a)
13—1	112(b), 112(c)
13a	Omitted
13b	103(d)
14	121(a), 121(b), 121(e)
14a	See § 308(a)
15	Omitted
16	Omitted
17	316
18	317(a) (b) (c)
19	315
20	Omitted
20a	Omitted
21	104(a), 104(b) (1)
21—1	307(a), 307(b)
21a	104(b), 105(a), 106(a), 114(a), 118(a), 118(c)
21a—1	Omitted
21a—2	Omitted
21b	Omitted
21c	311
21d	Omitted
21e	122
22	104(e)
23	101(a), 202(b), 204(a), 204(b), 204(c), 205(a), 205(b), 205(c)
23a	Omitted
23b	Omitted
23b—1	Omitted
23c	205(c)
24	Omitted
24a	109(e)
25	Omitted
26	Omitted
41	101(a), 105(e) (Rep.)
41a	101(a), 103(b)
41b	101(a), 103(b)
42	Omitted
43	Omitted
44	Omitted
45	Omitted
46	See T. 18, § 1020
47	Omitted
48	Omitted
49	See T. 40, §§ 483, 484
50	Omitted
51	See T. 40, §§ 483, 484
52	See T. 40, §§ 483, 484
53	See T. 40, §§ 483, 484
54	Omitted
54a	Omitted
54b	Omitted
55	126
55b	126(b)
56	Omitted
57	See § 314
58	Omitted
59	Omitted
59a	Omitted
61	307(c)
62	318
63	109(d)
64	320(a)
65	320(b)
66	320(c)
67	320(d)
68	320(e)
69	320(f)
70	313
71	303(a)
72	See § 303 note
73	303(a)
101	Omitted
101a	Omitted
102	Omitted
103	Omitted

Title 23 Former Sections	Title 23 New Sections
104	Omitted
105	Omitted
106	210(a), 210(b)
107	Omitted
108	Omitted
109	Omitted
110	Omitted
111	Omitted
112	Omitted
113	Omitted
114	210(e)
115	308(a)
116	315
117	312
151	104(c), 117(a), 117(b), 117(c), 118(b)
152	204(f), 205(d)
153	206(a), 207(a), 208(a), 208(b)
154	209(a)
155	203
156	101(b), 103(f) (Rep.), 104(b)(1), 116(d) (Rep.), 119(a) (Rep.), 119(b) (Rep.), 120(h) (Rep.)
157	103(d)
158	101(b), 104(b), (4), 104(b), (5), 109(b), 115, 118(c), 120(c), 127, 307 note
159	107(a), 107(b), 107(c), 107(d)
160	108(a), 108(b)
161	124
162	123(a), 123(b), 123(c)
163	111
164	129(b), 129(c), 129(d)
165	Omitted
166	113(a), 113(b)
167	101(b), 128(a), 128(b), 304
168	Omitted
169	Omitted
170	305
171	306
172	Omitted
173	See § 120 note
174	See § 307 note
175	Omitted

TITLE 26—INTERNAL REVENUE CODE OF 1954

[*The Internal Revenue Code of 1954 was enacted by Act August 16, 1954, ch. 736, § 1, 68A Stat. 1, superseding the Internal Revenue Code of 1939. Section numbers of the Internal Revenue Code of 1954 are identical to those of Title 26. This table shows where sections of former Title 26, Internal Revenue Code of 1939, have been incorporated in revised Title 26, Internal Revenue Code of 1954*]

Former 26 U.S.C. 1939 Code Sec.	Present 26 U.S.C. 1954 Code Sec.
1	Omitted
2	7806(a)
3	Omitted
4	Omitted
11	1
12(a)	Omitted
12(b) (1), (2)	Omitted
12(b)(3)	1
12(c)	1
12(d)	2
12(e)	Omitted
12(f)	1
12(g)	Omitted
13(a)	Omitted
13(b)	11
13 (c)-(f)	Omitted
14	Omitted
15 (a), (b)	11
15(c)	1551
21	63
22(a)	61
22(b)(1)	101
22(b)(2)(A)	72
22(b)(2)(B)	72, 403
22(b)(2)(C)	72
22(b)(3)	102
22(b)(4)	103
22(b)(5)	104
22(b)(6)	107
22(b)(7)	894
22(b)(8)	115, 526, 892, 893, 911, 912, 933, 943
22(b)(9)	108
22(b)(10)	108
22(b)(11)	109
22(b)(12)	111
22(b)(13)	112
22(b)(14)	113
22(b)(15)	621
22(b)(16)	114
22(c)	471
22(d) (1)-(5)	472
22(d)(6)	1321, 6155(a)
22(e)	301(a)
22(f)	1001
22(g)	861, 862, 863, 864
22(h)	Chapter 1, Subchapter G, Part III
22(i)	Omitted
22(j)	76
22(k)	71
22(*l*)	691
22(m)	73, 6201(c)
22(n)	62
22(*o*)	75
23	161, 211
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23(a)(2)	212
23(b)	163, 265
23(c)(1)	164
23(c)(2)	Omitted
23(c)(3)	164
23(d)	164
23(e)	165
23(f)	165
23(g)	165
23(h)	165
23(i)	165
23(j)	1091
23(k)(1)	166, 593
23(k)(2)	165(g)(1), 166(e), 582
23(k)(3)	165(g)(2)
23(k)(4)	166
23(k)(5)	166
23(k)(6)	271, 166
23(*l*)	167
23(m)	611
23(n)	167
23(*o*)	170
23(p)	404
23(q)	170
23(r)	591
23(s)	172
23(t)	168, 169
23(u)	215
23(v)	171
23(w)	691
23(x)	213
23(y)	Omitted
23(z)	216
23(aa)(1)	141
23(aa)(2)	36
23(aa)(3)	144
23(aa)(4)	4, 142
23(aa)(5)	142
23(aa)(6)	143
23(aa)(7)	144
23(bb)	173
23(cc)	616
23(dd)	592
23(ee)	1202
23(ff)	615
24(a)	261
24(a)(1)	262
24(a) (2), (3)	263
24(a)(4)	264
24(a)(5)	265
24(a)(6)	264
24(a)(7)	266
24(b)	267
24(c)	267
24(d)	273
24(e)	1451
24(f)	268
25(a)	35
25(b)(1)	151
25(b)(2)	153
25(b)(3)	152
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26(a)	242
26(b)	246
26(b)(1)	243
26(b)(2)	244
26(b)(3)	245
26(c)	545, 556
26(d)	535, 545, 601
26(e)	Omitted
26(f)	561, 562, 564
26(g)	565
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34	Omitted
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42 (b)-(d)	454
43	461
44	453, 7101
45	482
46	442
47	443, 6011(a)
48	441, 7701
51	6001, 6011(a)
51(a)	6001, 6012(a), 6065(b)

Former 26 U.S.C. 1939 Code Sec.	Present 26 U.S.C. 1954 Code Sec.
51(b)	6012(b), (1), 6013(a), 6014(b)
51(c)	6012(b)
51(d)	6064
51(e)	Omitted
51(f)	6014 (a) and (b), 6151 (a), (b), 6155(a)
51(g)	6012(b), 6013(b), 6659
52	6012(a), (b), 6062
53	6072, 6081, 6091
54(a)-(b)	6001
54(c)-(e)	Omitted
54(f)	6033(a), 6065(b)
55	6103, 7213(a)
56(a)	6151(a)
56(b)	6152, 6601(c)(2)
56(c)	6161(a), 6162(a), 6165, 7101
56(d)-(f)	Omitted
56(g)	6313
56(h)	Omitted
56(i)	6151(b)
56(j)	Omitted
57	Omitted
58	6012(b), 6015, 6064, 6065, 6073(a), (c), 6081(a), 6091 (b), 6103, 6161(a)
59(a)-(c)	6153
59(d)	6201(b), 6315, 6601(g)
60	6015(g), 6073(b), (d), (e); 6091(b), 6153(b), (d), (e)
61	Omitted
62	7805
63	6108
64	7701
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103	891
104(a)	581
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106	1347
107(a)	1301
107(b)	1302
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107(d)	1303
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112(b)(4)	361
112(b)(5)	351
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112(b)(6)(D)	7101
112(b)(7)	333
112(b)(8)	1081
112(b)(9)	373
112(b)(10)	371
112(b)(11)	355
112(c)	351, 356, 371, 1031
112(d)	361, 371
112(e)	351, 356, 361, 371, 1031
112(f)	1033
112(g)	368
112(h)	368
112(i)	367
112(j)	Omitted
112(k)	357, 371
112(l)	371
112(m)	1071
112(n)	1034
113(a)	1012
113(a)(1)	1013
113(a)(2)	1015
113(a)(3)	1015
113(a)(4)	1015
113(a)(5)	1014
113(a)(6)	358, 1031
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113(a)(8)	362
113(a)(9)	1033
113(a)(10)	1091
113(a)(11)	1051
113(a)(12)	1052
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113(a)(17)	1082
113(a)(18)	334
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113(a)(20)	373
113(a)(21)	373
113(a)(22)	372
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113(b)	1011
113(b)(1)	1016
113(b)(2)	1016
113(b)(3)	1017
113(b)(4)	1018
113(c)	1019
113(d)	1020
114(a)	167(f)
114(b)(1)	612
114(b)(2)	Omitted
114(b)(3)	613(b)(3)
114(b)(4)	613(b)(4)
115(a)	301, 316
115(b)	301, 316
115(c)	302, 312, 331, 342
115(d)	301
115(e)	301
115(f)	305
115(g)(1)	302
115(g)(2)	304
115(g)(3)	303
115(h)	312
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115(j)	301
115(k)	Omitted
115(l)	312
115(m)	312
116(a)	911
116(b)	Omitted
116(c)	892
116(d)	115
116(e)	115
116(f)	943
116(g)	526
116(h)	893
116(i)	121(a)(17)
116(j)	912
116(k)	912
116(l)	933
117(a)	1221, 1222
117(b)	1202
117(c)	1201
117(d)	1211
117(e)(1)	1212
117(e)(2)	Omitted
117(f)	1232
117(g)(1)	1233
117(g)(2)	1234
117(g)(3)	1238
117(h)	1223
117(i)	582
117(j)	1231
117(k)	631
117(l)	1233
117(m)	341
117(n)	1236
117(o)	1239
117(p)	1240
118	1091
119(a), (b)	861
119(c), (d)	862
119(e)	861, 862, 863
119(f)	864
120	170
121	583
122	172
123	77
124	Omitted
124A	168
124B	169
125	171
126	691
127(a), (b)	Omitted
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[*This title was enacted into law by Act June 25, 1948, ch. 646, § 1, 62 Stat. 869. This table shows where sections of former Title 28 have been incorporated in revised Title 28*]

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566	604
567	751
568	751
569	751
570	See 601 et seq.
571	1923
572	1923
572a	T. 18 § 155
573	Obsolete
574	553, 1921
575	Obsolete
576	553
577	1929
578	1923
578a	551
578b	See 508
578c	Obsolete
579	508, 552
580	508
581	Obsolete
582	552, 553
583	552, 553
584	553
584a	553
585	553
586	509, 550
586a	See 547
587	509, 553
588	Obsolete
589	See 1918
590	T. 18 § 203
591	Unnecessary
592	509
593	510
594	502
595	604, 755
596	604, 755
597	633
597a	633
597b	633
597c	633
598	636
599	636
599a	636
600	1871
600a	1871
600b	1871
600c	1821, 1825
600d	See 1821, 1825, 1871
601	See 1821, 1825
602	1824
603	1823
604	1823
604a	1823
605	Obsolete
606	T. 44 § 325
607	T. 44 § 326
608	1825, 1871
609	Obsolete
631	Civ. Proc. R. 43
632	T. 18 § 3481
633	Obsolete
634	T. 18 § 3486
635	Civ. Proc. R. 43(a)
636	Civ. Proc. R. 34, 55
637	2072, 2073
638	1731
639–641	Note prec. 1781
642	See T. 5 §§ 92, 92a; Civ. Proc. R. 28
643	Civ. Proc. R. 26 et seq.
644	Civ. Proc. R. 26 et seq.
645	Civ. Proc. R. 27(a)(4)
646	Civ. Proc. R. 26 et seq.
647	Civ. Proc. R. 45; Cr. Proc. R. 17
648	Civ. Proc. R. 45(d); Cr. Proc. R. 17(f)
649	1782

Title 28 Former Sections	Title 28 New Sections
650	1782
651	1782
652	1782
653	1781, 1782
654	Civ. Proc. R. 45(e)(1); Cr. Proc. R. 17(e)
655	Civ. Proc. R. 45; Cr. Proc. R. 17
656	Cr. Proc. R. 17(b)
657	Cr. Proc. R. 46(b)
658	Cr. Proc. R. 46(b)
659	Cr. Proc. R. 46(b)
660	Obsolete
661-667	1733
668	T. 18 § 3497
669	Obsolete
670	1743
671	1733
672	See 1733
673	1744
674	1745
675	Repealed
676	1736
677	1740
678-680	Obsolete
681-684	1734
685	1735
686	1735
687	1738
688	1739
689	1742
690	T. 30 § 53
695	1732
695a	T. 18 § 3491
695b	T. 18 § 3492
695c	T. 18 § 3493
695d	T. 18 § 3494
695e	1741
695e—1	T. 22 § 1204
695f	T. 18 § 3495
695g	T. 18 § 3496
695h	Unnecessary
701	1782
702	1785
703	1782
704	1782
711-713	1783
714-718	1784
721	1691
722	Civ. Proc. R. 4
723	2071, 2073
723a	T. 18 § 3772
723a—1	T. 18 § 3771
723b	2072
723c	2072
724	Civ. Proc. Rules
725	1652
726	Civ. Proc. R. 64
727	Civ. Proc. R. 69
728	Obsolete
729	T. 42 § 1988
730	2072, 2073
731	2071
732	Obsolete
733	Omitted
734	Omitted
735	Civ. Proc. R. 4; Cr. Proc. R. 4, 9; Adm. R. 1
736	See T. 19 §§ 1607, 1610
737	See 2710
738	See 2711
739	See 2712
740	See 2713
741	See 2714
742	See 2715
743	See 2716
744	See 2717
745	Omitted
746	Civ. Proc. R. 64
747	2463
748-750	2405
751	See T. 19, § 1605 et seq.
752	See T. 19, §§ 1607, 1610; T. 46, § 327
753	See 452; Adm. R. 6-8, 10, 12
754	2464
755	Omitted
756	Omitted
757	Omitted
758	637
759	Unnecessary
760	Omitted
761	2071, 2072
762	1402
763	See 507; Civ. Proc. R. 4(d), 12(a), 55(e)
764	Civ. Proc. R. 52, 75
765	2411
766	2409
767	Civ. Proc. R. 4(h)
768	Sup. Ct. R. 20
769	Civ. Proc. R. 40
770	1873
771	Adm. R. 46½
772	Civ. Proc. R. 39(c), 48
773	Civ. Proc. R. 38 et seq.
774	2406
775	See 2406
776	Civ. Proc. R. 46, 63, 75
777	Civ. Proc. R. 1, 15, 61
778	Civ. Proc. R. 25, 81
779	Civ. Proc. R. 25, 81
780	Civ. Proc. R. 25, 81
780a	2404
781	2407
782	See 2407; Civ. Proc. R. 12(a)
783	Obsolete
784	T. 19, § 579 (Rep. See T. 19, § 1514)
785	1874
786	See T. 31, § 462
787	T. 19, § 580
788	See 2718
789	Obsolete
790	Civ. Proc. R. 75; Adm. R. 49
791	2462
792	2284
811	1961
812	1962
813	Omitted
814	1962
815	Civ. Proc. R. 41(d), 42(a), 54(d), 68
816	Expired
817	Omitted
818	2465
819	Obsolete
820	Repealed
821	1928
822	1918
823, 824	Obsolete
825	Civ. Proc. R. 42(a)
826	See 1925
827	2465
828	1922
829	1927
830	1920
831	1924
832	1915
833	1915
834	1915
835	1915
836	1915
837	1916
838	Civ. Proc. R. 4
839	2413
840	Civ. Proc. R. 59, 62
841	Civ. Proc. R. 62(f)
842	2006
843	2007
814	2007
845	2007
846	2005
847	2001
848	2004
849	2002
850	2003
851	2041
852	2042
861	Obsolete
861a	Note prec. 1
861b	Note prec. 1
862	Obsolete
863	Civ. Proc. R. 75; Adm. R. 49
864	Civ. Proc. R. 75(k)
865	Court rules
866	Sup. Ct. Rules
867	Obsolete
868	Sup. Ct. R. 10, 36
869	Omitted
870	2408
871	2104
872	Civ. Proc. R. 73
873	Obsolete
874	Civ. Proc. R. 62(d), 73(d); Sup. Ct. R. 36
875	Civ. Proc. R. 46, 52, 73, 75
876	2106
877	2106
878	1912
879	2105
880	Note prec. 1
901	2410
902	2410
903	1444
904	2410
905	2410
906	See 2412
921	2672
922	2673
931(a)	1346, 1402, 2402, 2411, 2412, 2674
931(b)	2675, 2676
932	1346, 2411
933(a)(1)	1291
933(a)(2)	1504, 2110
933(b)	See 1254, 1255
934	2677
941	2671
942	2401
943	2680
944	2678
945	2679
946	2681 note

TITLE 32—NATIONAL GUARD

[*This title was enacted into law by Act August 10, 1956, ch. 1041, § 2, 70A Stat. 596. This table shows where sections of former Title 32 are incorporated in revised Title 32*]

Title 32 Former Sections	Title 32 New Sections
1	14 See Title 10, § 311
2	101; See Title 10, § 101
3	See Title 10, § 312
4	313
4a	Repealed
4b	101; See Title 10, § 101
4c	101; See Title 10, § 101; Canal Zone Code, Title 2, § 5
5, 6	104
7	Omitted
8	104
9	103
10	104; See Title 10, §§ 3542, 8542
11-14	314
15	105
16	104
17	110
18-20	Repealed
21	106
22	107
23	Repealed
24	108
25	Repealed
26	Omitted
31	701
32	Repealed
33	702
34	Omitted
35	702
36-38	Omitted
39, 39a	703
40	Omitted
42, 42a	709
43, 44	Omitted
45	712
46	711
47	710
47—1 to 48	Omitted
49, 50	708
51	Omitted
61	501
62	502
63	503
64	504
65	505
66, 67	506
68, 69	315
70	Repealed
71	507
72	317
73	Omitted
74	707
75, 76	See Title 5, § 30r
81	Repealed
81a	See Title 10, §§ 3500, 8500
81b	See Title 10, §§ 3501, 8501
81c	Repealed
82	See Title 10, §§ 3499, 8499
83	See Title 10, §§ 3502, 8502
84-86	Omitted
91	326
92	327
93	328
94	329
95	330
96	331
97	332, 333
111	305, 307
112	312
113	307
113a	Omitted
114	324
115	323; See Title 10, §§ 3820, 8820
121, 122	Omitted
123	304
124	302
125	322
131	Repealed
132, 133	303
134	Omitted
141, 142	See Title 37, § 232 (Rep. See Title 37, §§ 201, 203, 204)
142a, 143	Repealed
144-146	See Title 37, §§ 232, 251, 254-256, 301 (Rep. See Title 37, §§ 201, 203, 204, 402, 414-417, 419)
147, 148	Repealed
149	See Title 37, §§ 251, 252 (Rep. See Title 37, §§ 402, 403)
150	See Title 37, § 235 (Rep. See Title 37, § 301)
151	See Title 37, §§ 251, 252 (Rep. See Title 37, §§ 402, 403)
152	See Title 37, § 301 (Rep. See Title 37, §§ 206, 309, 402, 1002)
153	Omitted
154	303, 322, 323, 710; See Title 31, § 698a; Title 37, §§ 232, 251, 254-256, 301 (Rep. See Title 37, §§ 201, 203, 204, 402, 414-417, 419)
155	Omitted
156	705; See Title 10, §§ 4621, 9621
157	See Title 37, §§ 232, 251, 254-256, 301 (Rep. See Title 37, §§ 201, 203, 204, 402, 414-417, 419)
158	503
159, 160	Omitted
160a	318, 321; See Title 10, §§ 3687, 3688 (Rep. See §§ 1475-1480), 3721, 8687, 8688 (Rep. See §§ 1475-1480), 8721
160b, 160c	Omitted
161-164	Repealed
164a, 164b	319
164c	Repealed
164d	320; See Title 10, §§ 3723, 8723
164e	Omitted
171	Omitted
172, 173	See Title 10, § 3015
174	See Title 10, §§ 3541, 8541
175	See Title 10, §§ 3496, 8496
176	See Title 31, § 698
181	See Title 10, § 4308
181a	See Title 10, § 4312
181b	See Title 10, §§ 4312, 4313
181c	See Title 10, § 4308
181d	Omitted
181e	See Title 10, § 4308 note
182	See Title 10, § 4307
183	316; See Title 10, § 4310
184	See Title 10, § 4310
185	Omitted
186	See Title 10, § 4309
191	Omitted
192, 193	104 note
194	109
195	Omitted
196	713

TITLE 34—NAVY

[*This title was superseded by Title 10, Armed Forces. See Parallel Table B under Title 10*]

TITLE 35—PATENTS

[*This title was enacted into law by Act July 19, 1952, ch. 950, § 1, 66 Stat. 792. This table shows where sections of former Title 35 have been incorporated in revised Title 35*]

Title 35 Former Sections	Title 35 New Sections
1	1
2	3
3	2
4	4
5	5
6	6
7	7
10	8
11	31, 32
11a	33
12	22
13	11
14	10
14a	Omitted
15	12
16	11(a) 1
17	Obsolete
18	Repealed
19	Omitted
20	14
21	21
22	Omitted
23	Repealed
31	101, 102, 161
32	102(d), 191, 172
32a	Omitted
32b	prec. ch. 1 note
33	111, 112, 162
34	113, 114
35	115
36	131
37	133, 267
38	Repealed
39	153
40	154
40a to 40d	Omitted
41	151
42-42b	Omitted
43	Omitted
44	152
45	266
46	147
47	261
48	Omitted
49	287
50	292
51	132, 135
52	135
53	23
54	24
55	24
56	24
56a	164
57	134
58, 59	Repealed
59a	141
60	142
61	143
62	144
63	145, 146
64	251, 252
65	253
66	291
67	281, 284
68	See T. 28, § 1498
69	102(g), 282
70	283-286, 290
71	288
72	102, 104
72a	146, 291
73	171
74	289
75	289
76	114
77	173
78	12, 13, 41
79	42
80-87	Omitted
88	254
89-96	Expired
101-108	Omitted
109	104
110-114	Omitted
115-118	Omitted
118a	Omitted
119	T. 50 App., § 2371
151	181
152	182
153	183
154	184
155	185
156	186
157	187
158	188
159	Prec. ch. 1 note

TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

[*This title was enacted into law by Pub. L. 87-649, § 1, Sept. 7, 1962, 76 Stat. 451. This table shows where sections of former Title 37 have been incorporated in revised Title 37*]

Title 37 Former Sections	Title 37 New Sections
1	201, 203
2	See 201
3	See 203
3a	205. See T. 10, §§ 1208, 1332, 1333, 1405
4	205(a) (1), (2)(C)-(E), (G), (H), (3)
4a	205(a) (1)
4b	205(a) (2)
4c	T. 10, §§ 3682, 8682
4c—1	T. 10, § 6116
5	Repealed. See 201, 201(b), (d), 203, 421(a)
6	See 305(a)
7	See 201, 203, 205
8	401 (1), (2) (A), (3)
8a	See 401(2)
9	See 402 (a), (c), (d)
9a	See 402(d)
10	403 (a)-(c), (g)
10a	See 403(a)
11	Repealed
12	201(a), 203, 402, 403, 414(a) (1), (4), (5)
13	Repealed. See 201 (d), (g), 203, 308
13a	Repealed. See 201(g), 203
14	Repealed. See 201 (d), (g), 203
14a	Repealed. See 201(g), 203
15	Repealed. See 201(g), 203
16	Repealed. See 201(g), 203, 308
16a	Repealed. See 308
17	Repealed
17a	Expired
18, 18a	Repealed. See 205
19	Repealed. See 402, 403
19a	See 403
20	Repealed. See 404, 405
20a	Repealed. See 404(d)
21	See 406
21a	See 401(2)
22	Repealed. See 201, 203
23	See 201, 203, 402, 403
24, 25	Repealed
26	Repealed. See 903
26a	Omitted
27	Repealed
28	Repealed. See 201(c), 422 (a)
29	Repealed. See 301 (a)(1), (4)
29a	Repealed. See 301(d)
29b	See 301(a) (6), (c)
30	Repealed
31	Notes prec. 101
31a(a)	501(c); T. 10, §§ 701 (a), (c)-(e), 703, 704 (a), (b) (1)-(3)
31a(b)	501(f); T. 10, § 701 (b)
31a(c)	T. 10, § 702(a)
32(a)	101(4), (23)
32(b)	501(a) (1)
32(c)	Repealed
32(d)	501(a) (2)
32(e)	501(a) (3)
32(f)	101(5), 502; T. 10, §§ 702, 703, 704(a)
32(g)	501(b)
32(h)	501(a) (4)
33(a)	Executed
33(b)	502, 503(a)
33(c)	501(b)-(d)
33(d)	501(e)
33(e)	T. 10, § 704(b) (1), (2), (4)
33a	Executed
34	Expired
35, 36	Executed
37	Unnecessary
38	504; T. 10, § 702(b)

Title 37 Former Sections	Title 37 New Sections
39	501(b), 502(a), 503(a)
101	201(a), 203, 205
101a	Repealed
101b	302
102	305(a)
103	201(a), 204(a) (2), (c), (i), 205, 404, 1004
103a	205
103b	205(d)
104, 105	401, 402
106	403(a)-(d), (g)
107	201(a), 203, 402, 403, 414 (a) (1), (4), (5)
108	201(d), 203, 205, 402, 403
109	201(g), 203, 205
110	308, 402, 403, 418
111	Repealed
111a	403(e)
111b	Omitted
112	404-406, 410(a)(5), (6), (9); T. 10, § 6153; T. 14, § 510
112a	Omitted
112b	404(e), 408
112c	T. 10, § 7477
112d	See 404(a) (3)
112e	See 406
112f	Repealed
112g	411(a)
112h, 112i	Repealed
113	Repealed. See 201, 203
114	Repealed. See 201, 203, 309(a), (c)
115, 115a	Omitted
116	Repealed
117	201(c), 422(a)
117a	410(a) (1)
117a—1	410(a) (2), (4)
117b	Repealed. See 404, 406
118	301(a), (1), (4)-(6), (b), (c)
118a	Omitted
118a—1	301(g)
118b	304(a)
119, 120	Repealed
201-208	Repealed. See § 403
208a	Executed
209-221	Repealed. See § 403
231(a)	101(3)
231(b)	101(23)
231(c)-(e)	101(11)-(13)
231(f)	101(5)
231(g)	401, 420
231(h)	Repealed
231(i)	101(22)
231(j)	See T. 1, § 1
231(k)	101(24)
232(a)	203
232(b)	201(a)
232(c)	201(g); T. 10, § 517
232(d)	204(a), (b), (d), (e)
232(e)	201(e)
233(a) (1)-(6)	205(a) (1)—(6)
233(a) (7)	205(a) (7), (8), (b), (c)
233(b)	205(a) (9)
233(c)	205(d)
233(d)	205(a), (b)
234(a)	302(a)
234(b)	302(a)
234(b) (1)	302(b)(1)
234(b)(2)	303(a)
234(b)(3), (4)	302(b)(2), (3)
234(b)(5)	302(b)(4), (c), 303(b)
234(c)	303(a)
234(a)	302(a)(2)
234b	Omitted
235(a)(1)	301(a)(1)
235(a)(2)	301(a)(2), (3)
235(a)(3)-(10)	301(a)(4)-(11)
235(b)-(e)	301(b)-(e)
235a	901
236(a), (b)	304(a)
236(c)	304(b)
237	305(a)
237a	305(b)
238(a)	See 308 (a)-(c), (e)
238(b)	See 308(a)
238(c)	Omitted
238(d)-(f)	See 308 (d)-(f)
239(a)-(d)	308(a)-(d)
239(e)	308(a)
239(f), (g)	308(e), (f)
240	307
241	306
242	See T. 50 App. §§ 1002(a), 1006
243	902(c)
244	See T. 50 App. §§ 1002(a), 1006
251(a)	402(a)-(c)
251(b), (c)	402(b)
251(d)	402(f)
251(e), (f)	402(d), (e)
251a	402(b)
252(a)-(d)	403(a)-(d)
252(e)	403(g)
252(f)	403(a)
252(g)-(k)	T. 50 App. § 2204(a)-(e)
253(a)	404(a)-(d), (f)
253(b)	405
253(c)	406, 407, 409, 411(d)
253(d)	404(e)
253(e)	410
253(f), (g)	411(b), (c)
253(h)	411(a)
253a	305(b)
254(a)	414(a)(1)
254(b)	414(a)(4)
254(c)	414(a)(2), (5)
254(d)	414(a)(3)
255(a)	415(a)-(c), 417(c)
255(b), (c)	416(a), (b)
255(d)	417(b)
255(e)	417(a)
256	415(e)
256a	419
257	414(b)
271	T. 10, §§ 1204, 1376
272(a)	T. 10, §§ 1201-1204
272(b)	T. 10, §§ 1201-1203
272(c)	T. 10, §§ 1201, 1204-1206
272(d)	T. 10, §§ 1210(h), 1372, 1373, 1401, 1402(b)-(d).
272(e)	T. 10, §§ 1210(a)-(f), 1401
272(f)	T. 10, §§ 1201, 1204, 1210(d)
272(g)	T. 10, § 1209
272(h)	T. 10, § 1403
272(i)	T. 10, § 1215
273	T. 10, § 1212
274	T. 10, § 1210 (a), (g)
275	T. 10, § 1211 (a), (b), (e), (f)
276	T. 10, § 1211(a)-(d)
277	T. 10, § 1211 (a), (b), (e)
278	T. 10, § 1207
279	T. 10, §§ 1372, 1373
280	T. 10, § 1213
281	Repealed
282	T. 10, § 1208
283	T. 10, §§ 1214, 1216(a)
284	T. 10, § 1216(b), (c)
285	Repealed
301(a)	206 (a), (b), 402(b)
301(b)	206(d), 1002(a)-(c)
301(c)	309(a), (b)
301(d)	301(f)
301(e)	206(a), 301(f), 309(c), 402 (b), 1002(d)
301(f)	Repealed
302	T. 33, § 853o-1
303	423
304	201(b), 421
305	418
306	T. 10, § 6153; T. 14, § 510
307	Omitted
308	201(c), 422(a)
308a	204(f)
309, 310	1003, 1004
310a	Omitted. See T. 5, § 84
310b	1005
310c	1006 (a), (b), (e)
310c—1	1006(c)
310d	1006(d)
311	Omitted
312	Repealed
313	Omitted
314	903
315	Expired
316	T. 10, § 1402a; T. 33, § 857a; T. 42, § 213a
317	Omitted
318, 319	Repealed
320	403(f)
321	Executed
321a	Omitted
322, 322a	Executed
323	801(c)
324	1001
351	101(3), 601
352	602(a)-(e)
353	602(f), 603
354	604
361	Repealed. See 101(3), (5), (23)
362	T. 10, § 2771(a); T. 32, § 714(a)
363	T. 10, § 2771 (c), (d); T. 32, § 714(c), (d)
364	T. 10, § 2771 note
365	Repealed
371(a)	Omitted
371(b), (c)	T. 10, § 1431(a)
371(d)	Omitted
371(e), (f)	T. 10, § 1435(1), (2)
371(g)	Omitted
371(h)	Omitted. See T. 10, § 101 (5), (7), (8)
372(a)	T. 10, §§ 1431(a)-(c), 1432
372(b)	T. 10, § 1431(b)
372(c)	T. 10, § 1433
372a-372c	Expired
373(a)	T. 10, § 1434(a) (1)-(3)
373(b)	T. 10, § 1434(b)
373(c)	T. 10, §§ 1434(a) (4), 1436
373(d)	T. 10, § 1439
374	T. 10, § 1438
375	T. 10, § 1444
376	T. 10, § 1442
377	T. 10, §§ 1443, 1444(a), (b)
378	T. 10, § 1440
379	T. 10, § 1437
380	T. 10, § 1441
381	Repealed
401	T. 10, § 1071
402(a)(1)	T. 10, § 1072(1)
402(a)(2)	T. 10, §§ 1076(a), 1079(a)
402(a)(3)	T. 10, §§ 1074(b), 1076(b)
402(a)(4) (A)-(D)	T. 10, § 1072(2) (A)-(D)
402(a)(4)(E)	T. 10, § 1072(2) (E) (i)
402(a)(4) (F)	T. 10, § 1072(2) (F)
402(a)(4) (G)(i), (ii)	T. 10, § 1072(2) (E) (ii), (iii)
402(b)	T. 10, § 1073
403(a)	T. 10, § 1076(a), (c)
403(b)	T. 10, § 1076(d)
403(c)-(e)	T. 10, § 1078(a)-(c)
403(f)(1)-(5)	T. 10, § 1077(a)(1)-(5)

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403(g)(1)	T. 10, § 1077(b)
403(g)(2)	T. 10, § 1077(a)(6), (b)
403(h)(1)-(3)	T. 10, § 1077(c) (1)-(3)
403(h)(4) (A)-(C)	T. 10, § 1077(d) (1)-(3)
404	T. 10, § 1084
405	Repealed
411(a), (b)	T. 10, § 1079(a), (b)
411(c)	T. 10, § 1080
412, 413	T. 10, §§ 1081, 1082
414	T. 10, § 1079(b)
421(a), (b)	T. 10, § 1074(a), (b)
421(c)	T. 10, § 1076(b), (c)
421(d)	T. 10, § 1085
422	T. 10, § 1075
423	T. 10, § 1083

TITLE 38—VETERANS' BENEFITS

[*This title was enacted into law by Public Law 85-857, § 1, Sept. 2, 1958, 72 Stat. 1105. This table shows where sections of former Title 38 are incorporated in revised Title 38*]

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1-3	Omitted
4	214
5-9	Omitted
10	215
11	201, 210(b)
11a	101(1), 210(a), 210(b)
11a—1	Omitted
11a—2	211(a)
11a—3	233
11b	5006
11c to 11d—1	Omitted
11e	214
11f	Omitted
11g	202
11h	3303
11i	5014
11j	233(1), (2)
11k	233(4)
11l	3204
12	Omitted
12a	5011
13	4201, 4202
13a	4202
13b	4203
13c	4204, 4205
13d	4205
13e	4206
13f	4207
13g	4208
14	5101
14a	5102
14b	5103
14c	5104
14d	5105
14e	214
15	4101
15a	4102
15b	4103
15c	4104
15d	4105
15e	4106
15f	4107
15g	4108
15h	4109
15i	4110
15j	4111
15k	4112
15l	4113
15m	4114
15n	4115
16	5201
16a	5202
16b	5203
16c	5204
16d	5205
16e	5206
16f	5207
16g	5208
16h	601(4), 5209
16i	5210
16j	Omitted
17	5220
17a	5221
17b	5222
17c	5223
17d	5224
17e	5225
17f	5226
17g	5227
17h	5228
17i	Omitted
17j	210(c)
21-24	Omitted
25—26a	3104
26b, 26c	3105
27-31	Omitted
32, 32a	108
33	3102
34	902
35	Omitted
36	3102(b)
37	101(4)
38	107(a)
39, 39a	505
41	3002
42-49	Omitted
49a	3107
50	3020
51-57	Omitted
58	See 3011
71-75	Omitted
76	111(a)-(c)
77	111(d)
91-95	Omitted
96	See 3021
97	Omitted
101	3402, 3403
102	3404
103	3405
104	Omitted
111	3404
112-116	Omitted
121-124	Omitted
125	3301
126	T. 18, § 289
127	3501
128	3502
129	Omitted
131	3311
132	3312
133	3313
134	Omitted
151-179	Omitted
191	101(3), (4), 532, 533
192	101(3), 302
200	3107
201	Omitted
202	101(4)
203-206	Omitted
221-232	Omitted
238, 238a	Omitted
241-250	Omitted
251	614
252	Omitted
252a	1901(a)
252b	1902
252c	1903
252d	1904
252e	1905
253	216(a), (c)
254	216(b)
261-274	Omitted
275	532(c)
276	532(a), (b), 533
277	532(a), (b), 533, 535
281	101(4)
282	Omitted
283	532(d)
284-287	Omitted
288	532(a)-(c), 533
289, 290	Omitted
291	101(3), 532(a)
291a-291d	Omitted
292	531
293	101(3), 532(d)
294	101(3)
311-314	Omitted
321-323	Omitted
324-326c	See 3404
327-332	Omitted
341	3102(a)
341a-341d	Omitted
341e	See 3404
341f	Omitted
351-354	Omitted
355	101(3), (4)
356	101(3), (4)
357	Omitted
357a	3010(c)
357b-362	Omitted
363	See 3404, 3405
364	Omitted
364a	101(3), (4), 536, 537
364b-364d	Omitted
364e	See 3404, 3405
364f	Omitted
364g	536
364g—1	536, 537
364h	101(3), 302
364i	536
364j	536, 537
365-365e	Omitted
365f	See 3404
365g-370e	Omitted
370f	536, 537
370g	101(6), 512
370h-370k	512
370l	536
371-374	Omitted
374a	511
375	501(1)
377-379	Omitted
381 to 381—2	511
381a	101(3), (4), 534, 535
381b	Omitted
381c	534, 535
381d	See 3404, 3405
381e	101(3)
381f	Omitted
391	560
392	561
393	562(a)-(c)
394	562(d)
421	Omitted
422	3104
423	Omitted
424	101, 753
424a	301(2), (A), 501(2)

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425	Omitted
426	210(c), 212(a), 3001(a)
427	Omitted
428	214
429	Omitted
430	230
431, 432	Omitted
433	211(b), 212(b)
434	233, 611(a)
435	5001
436	5002
437-438c	Omitted
438d	5005
438e	5004
438f	Omitted
438g	5002
438h	Omitted
438i	5005
438j	5001
438k	5002
438l	5003
438m	5005
449	621
440, 441	Omitted
442	755, 756
443	755, 756
444	Omitted
445	784(a)-(h)
445a	Omitted
445b	784(i)
445c	784(h)
445d	784(b), (h)
446	Omitted
447	754, 3103, 3504
448, 449	Omitted
450	3202
451, 452	Omitted
453	3102
454	753, 754
454a	3101
455	5012(a)
456	3301
457	234
458	626
459	Omitted
459a	232
459b	3304
459c	782
459d	See 3022
459e-462	Omitted
471	3107(a), (b)
471a	Omitted
471a—1	314(a)-(j)
471a—2	Omitted
471a—3	314(a)-(p), 541-544
471a—4	Omitted
471a—5	314(a)-(j)
472 to 472b—1	Omitted
472c	302
472d	3010(c)
472e-476	Omitted
477	355
478	Omitted
479	3201
480	3107(a), (b), 3203
481-485	Omitted
486	3107 (a),(b)
487	102(b) (1)
488, 488a	109(a)
489-496	Omitted
497	625
498-501	Omitted
501a, 501a—1	351
501b, 502	Omitted
503	503(1), (5), 541, 542, 545
504	537, 541-544
505	541, 542
505a	101(3), 302, 541, 542
506	Omitted
507	3001(b)
507a	3002
507b	543, 544
508-510	Omitted
511	741, 743, 757(a), 782
511a	Omitted
512	742-745, 749-752
512a	741
512b	748
512b—1	744(c)
512c	758
512d	757
513	757(b)
514	750
515	759(a), (b)
516	759
516a, 516b	Omitted
517	760
518	747
531-539	Omitted
551	3401, 3404, 3405
552	787(b), 3502
553	3502
554	3502
555, 555a	3503
556, 556a	3501
557	Omitted
571-576	Omitted
581-583	Omitted
591	Omitted
592	301
601-603	Omitted
611-623	Omitted
631, 632	Omitted
641-650	Omitted
661-670	Omitted
681-683	Omitted
686-688b	Omitted
691	Omitted
691a	2101
691b	2102
691c	2104
691d	2103
691e	2104
691f	101
691g	Omitted
693	5012(b)
693a	230
693b	5003
693c	Omitted
693d	613, 5013
693e	Omitted
693f	3402
693g	3103
693h	T. 10, § 1553
693i	T. 10 § 1554
694(a)	1801(a), (1), (2), 1802 (a), (b) 1803 (a) (1), (b)
694(b)	1803(c), (d)
694(c)	1802(c)
694(d)	1802(d), (f)
694(e)	1802(d)
694(f)	1802(e)
694(g)	1803(a)(2)
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694d	212(a), 1804
694e	T. 7, § 1001(b)(2) (Rep.)
694f	Omitted
694g	1816, 1817
694h	1814
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694j	1820(a)-(c)
694k	1821
694l	1811(a)-(j)
694m	1811(k), 1823
694n	1804(d)
694o, 694p	Omitted
695	2010
695a	2011
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695c	2013
695d	Omitted
695e	2014
695f-696m	Omitted
697(a)	213
697(b)	616
697a, 697b	Omitted
697c	101(2)
697d	214
697e	Omitted
697f	109(b)
697(g)	1510, 1824
700	101(13)
701(a)-(e), (g)	Omitted
701(f)	1502(a)
701a	1502(b)
702-704a	Omitted
705	211
706	610, 621(2), 622
706a	610, 612(e)
706b	610
706c	Omitted
707	210, 611(a)
708	212
709	3001(a), 3010, 4004
710, 711	Omitted
712	T. 18, § 1621
713, 714	3502
715	3503(a)
715a	3503(b), (c)
716	Omitted
717	902
718-724	Omitted
725	102(a) (1), (2) (A)
726	354
727	537
728	3504
729	3108
729a, 729b	3109
730, 731	Omitted
732	3010(b)
733	3010(e)
734	Omitted
735	101(3), 543, 544
736-738	Omitted
739	3107(a), (b), 3203
740	315
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742-744	Omitted
745	101(3), (4), (9), 543, 544, 602
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802(d)	Omitted
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802(j), (k)	716(e)
802(l)	716(f)
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802(o)	Omitted
802(p)	709
802(q)	703
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802(s)	Omitted

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802(x)	783
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802(z)	714
803	703, 741
804	719(a)
805	720
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806	782
807	721(a)-(c)
808	210-212, 785
809	3102
810	108
811	Omitted
812	711
813	787(b)
814	3502(b)
815	787(a)
816	718
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821	722
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858	3101
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981	3102
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998	2008
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1133(b)	423
1133(c)-(e)	Omitted
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2127	109(a)
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2145-2147	Omitted
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2513	613
2514	614
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2526	626
2527	627
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2532	632
2533	633
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2601	801
2602	802
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2701	1901
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2801	901
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3201	3301
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3401	4101
3402	4102
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3410	4110
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3413	4113
3414	4114
3415	4115
3501	3201
3502	3202
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3504	3204
3601	3401
3602	3402
3603	3403
3604	3404
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3701	5001
3702	5002
3703	5003
3704	5004
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3716	213
3801	5101
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TITLE 39—THE POSTAL SERVICE

[*This title was enacted into law by Public Law 86-682, § 1, Sept. 2, 1960, 74 Stat. 708. This table shows where sections of former Title 39 are incorporated in revised Title 39*]

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1	701
2	701
3	701
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5	707
6	710
7	709
8	1, 510
9	509
10	2102
11	2102
11a	Omitted
12	2102
13	Omitted
14	2102
31	3311
31a	3311, 3314
31b	3311, 3312
31c	Omitted. See §§ 3311, 3314
31d	3313
32	3312
33	Omitted. See § 3103
34	502
35	Omitted
36	502
37	2405
38	2209, 3315
39	3315
39a	3315, 3317
40	2406
41	Omitted. See §§ 2207, 2208, 2211, 2401
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43	2208
44	2404
45	2208-2210
46	2209
47	2209
48	Omitted. See §§ 2207, 2208, 2211, 2401
49	2403
49a	2403
50	Omitted
51	Omitted. See §§ 501, 701
52	2008, 6420
53	Omitted. See §§ 3542-3544
54	Omitted. See §§ 3542-3544
54a	Omitted. See §§ 3542, 3501
55	Omitted. See § 3542
56	711
56a	711
57	Omitted. See § 3544
57a	Omitted. See § 3544
57b	Omitted. See §§ 702, 3544

Title 39 Former Sections	Title 39 New Sections
57c	Omitted. See §§ 702, 3544
57d	711
58	Omitted. See §§ 702, 3544
59	Omitted. See §§ 702, 3544
60	Omitted. See §§ 702, 3544
60a	Omitted. See § 3544
61	Omitted. See §§ 2207, 2208, 3301, 3333, 3501
62	Omitted. See T. 18 §§ 648, 649
63	Omitted. See §§ 7542, 3544
64	Omitted. See § 2202
65	Omitted. See §§ 2207, 2208, 2401
66	Omitted. See §§ 2207, 2208, 2401
67	Omitted.
68	Omitted. See T. 5, § 2061 et seq.
69	704
70	704
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82	703
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84	Omitted. See §§ 3301, 3501
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89	Omitted. See §§ 3501-3531, 3542
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91	Omitted. See §§ 3301, 3501-3531, 3542
92	Omitted. See §§ 3501-3531, 3542
93	Omitted. See §§ 3501-3531, 3542
94	Omitted. See §§ 3501-3531, 3542
95	Omitted. See §§ 3501-3531, 3542
96	Omitted. See §§ 3301, 3501, 3542
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208	Repealed
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TITLE 44—PUBLIC PRINTING AND DOCUMENTS

[*This title was enacted into law by Pub. L. 90-620, § 1, Oct. 22, 1968, 82 Stat. 1238. This table shows where sections of former Title 44 have been incorporated in revised Title 44*]

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251, 252	Omitted
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282	Omitted
283	1337
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300b	Omitted
300aa	Omitted
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311a	Omitted
312	1511
313, 314	Omitted
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324	3702
325	3703
326	Omitted
366	3301
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379	3313
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TABLE II—REVISED STATUTES 1878

Showing where sections of the Revised Statutes of the United States of 1878 will be found in this edition of the United States Code.

Abbreviations

Rep.—Repealed. Where "Rep." appears in the status column following a U.S.C. reference an explanation of the repeal can be found under such U.S.C. title and section. Where no U.S.C. reference appears the Rev. St. section was repealed prior to the adoption of the United States Code (1926) or for other reasons was not included in the Code but was subsequently repealed.

Rev. T.—Revised Title. Where "Rev. T." appears in the status column the U.S.C. reference is to title and section where the Rev. St. section was originally allocated in the U.S.C. To locate the Rev. St. section in the U.S.C. new title, see the Table (Pages 12583 to 12638, this volume).

Elim.—Eliminated. Where "Elim." appears in the status column following a U.S.C. reference the reason for the elimination of the text can be found under such U.S.C. title and section.

I.R.C. '39—Internal Revenue Code of 1939. Where I.R.C. '39 appears in the status column, it is an indication that the provision was repealed or otherwise superseded by the Internal Revenue Code of 1939.

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19	2	1b	
20, 21	--	--	Rep.
22	2	6	
23, 24	--	--	Rep.
25	2	7	
26	2	8	
27	2	9	
28	2	21	
29	2	22	
30	2	25	
31—33	2	26	
34	2	27	
35	--	--	Rep.
36	2	32	
37	--	--	Rep.
38	2	34	
39	2	35	
40	2	39	
41	2	40	
42	--	--	Rep.
43	2	41	
44	2	42	Elim.
45	--	--	Rep.
46	2	47	
47, 48	2	48	
49, 50	2	38	Elim.
51—53	--	--	Rep.
54	2	74	Elim.
	2	84a	
55	2	60c	Elim.
56	2	64	
57	2	65	
58	2	75	
59	2	65, 75	
60, 61	2	102	
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63	2	104	
64	2	105	
65, 66	2	106	
67	2	107	
68	2	108	
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70	2	113	
71	2	114	
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81	2	132	
82	2	132a	
83	2	134	
84	2	135	
85—93	----	----------	Rep.
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95	2	137	
96	2	144	
97	2	145	
98	2	146	
99	2	151	
100	2	152	
101	2	191	
102	2	192	
103	2	193	
104	2	194	
105—129	2	201—225	Rep.
130	----	----------	Rep.
131—134	3	1—4	Rev. T. 3
135, 136	----	----------	Rep.
137—140	3	8—11	Rev. T. 3
141	3	13	Rev. T. 3
142	----	----------	Rep.
143—145	3	14—16	Rev. T. 3
146—150	----	----------	Rep.
151	3	23	Rev. T. 3
152, 153	3	41, 42	Rev. T. 3
154	3	44	Rev. T. 3
155	3	45	Elim.
156, 157	----	----------	Rep.
158	5	1	Rev. T. 5
159	5	2	Rev. T. 5
160	5	3	Elim.
161	5	22	Rev. T. 5
162	5	26	Rep.
163, 164	----	----------	Rep.
165	5	33	Rep.
166	5	38	Rev. T. 5
167, 168	----	----------	Rep.
169	5	34	Rev. T. 5
170	5	51	Rev. T. 5
171, 172	----	----------	Rep.
173	5	23	Rev. T. 5
174	5	24	Rev T. 5
175	5	25	Rev. T. 5
176	31	492-1	
177	5	4	Rev. T. 5
178	5	5	Rev. T. 5
179	5	6	Rev. T. 5
180	5	7	Rev. T. 5

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182	5	9	Rev. T. 5
183	5	93	Rev. T. 5
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		(Art. 70)	Rev. T. 10
184	5	94	Rev. T. 5
185	5	95	Rev. T. 5
186	5	96	Rev. T. 5
187	5	48	Rev. T. 5
188	5	91	Rev. T. 5
189	5	49	Rev. T. 5
190	5	99	Rep.
191	----	----------	Rep.
192	5	102	Rep.
193	31	492-2	
194	----	----------	Rep.
195	5	106	Rev. T. 5
196	5	107	Rep.
197	5	109	Rep.
198	----	----------	Rep.
199	22	2651	
200	5	152	Rep.
201	----	----------	Rep.
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203	22	2657	
204, 205	5	159, 160	Rep.
206	22	2659	
207	46	579	Rep.
208	5	163	Rep.
209	5	164	Rep.
210	22	2660	
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218	5	198	Rep.
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247	----	----------	Rep.
248	31	1002	
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250	----	----------	Rep.
251	15	185	Rep.
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	----	----------	I.R.C. '39
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255, 256	----	----------	Rep.
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258	19	67	Rep.
259	15	183	
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261	31	1024	
262	5	269	Rep.
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265	15	187	Rep.
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275, 276	----	----------	Rep.
277	31	73	Rep.
278	31	95	
279	----	----------	Rep.
280	31	94	
281	31	96	Elim.
282	31	101	
283	31	103	
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292	31	109	Rep.
293, 294	31	111, 112	Rep.
295	31	115	
296	31	116	
297	31	117	
298	31	118	
299	----	----------	Rep.
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305	31	147	
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313	----	----------	Rep.
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316, 317	----	----------	Rep.
318	31	50	
319	----	----------	I.R.C. '39
320	----	----------	Elim.
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325	12	2	
326	12	3	
327	12	4	
328	12	8	
329	12	11	
330	12	12	
331	12	13	
332	----	----------	Rep.
333	12	14	
334	----	----------	Rep.
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336	15	173	Rep.
337	15	174	Rep.
338	15	186	Rep.
339	15	179	Rep.
340	15	180	Rep.
341	15	181	Rep.
342	15	182	
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363	5	312	Rep.
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370	5	302	Rev. T. 5
371	5	320	Rev. T. 5
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377	5	327	Rev. T. 5
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435	----	----------	Rep.
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454	43	12	
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458	43	15	Rep.
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461	43	21	Rep.
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5173	12	107	
5174	12	108	
5175—5181			Rep.
5182	12	109	
5183	12	110	
5184	12	124	
5185	12	151	
5186	12	152	
5187	12	581	Rep.
5188, 5189			Rep.
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5191	12	141—143	
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5195	12	123	
5196	12	89	
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5204	12	56	
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5207	12	582	
5208	12	501	
5208, 5209	12	591, 592	Rep.
5210	12	62	
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5212	12	163	Rep.
5213	12	164	
5214	12	541	
5215	12	544	
5216	12	545	
5217	12	546	
5218	12	547	
5219	12	548	
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5221	12	182	
5222	12	183	
5223	12	184	
5224	12	185	
5225	12	186	
5226	12	131	
5227	12	132	
5228	12	133	
5229	12	134	
5230	12	137	
5231	12	138	
5232	12	135	
5233	12	136	
5234	12	192	
5235	12	193	
5236	12	194	
5237	12	195	
5238	12	196	
5239	12	93	
5240	12	481—485	
5241	12	165	Elim.
5242	12	91	
5243	12	583	Rep.
5244	33	8	
5245			Rep.
5246	33	9	
5247	33	6	
5248	33	31	
5249			Rep.
5250	33	501	Elim.
5251	33	10	
5252	33	4	
5253	33	543	
5254	33	420	
5255			Rep.
5256	45	81	
5257	45	82	
5258	45	84	
5259	45	85	
5260	45	86	
5261	45	87	
5262	45	88	
5263, 5264	47	1, 2	Rep.
5265	47	6	Rep.
5266—5268	47	3—5	Rep.
5269	47	8	Rep.
5270	18	651, 652	Rev. T. 18
5271	18	655	Rev. T. 18
5272, 5273	18	653, 654	Rev. T. 18
5274—5279	18	658—663	Rev. T. 18
5280—5293			Rep.
5294	46	7	
5295	18	644	Rev. T. 18
5296	18	641	Rev. T. 18
5297—5300	50	201—204	Rep.
5301	50	205	
5302	50	206	
5303	50	207	
5304	50	208	
5305	50	209	Rep.
5306	50	210	
5307	50	211	
5308	50	212	
5309	50	213	
5310	50	214	Rep.
5311	50	215	
5312	50	216	
5313	50	217	
5314	50	218	Rep.
5315	50	219	
5316	50	220	
5317	50	221	
5318	19	540	
	50	222	Elim.
5319	50	223	
5320	50	224	
5321	50	225	
5322	50	226	
5323—5395			Rep.
5396, 5397	18	558, 559	Rev. T. 18
5398—5484			Rep.
5485	38	112	Rev. T. 38
	43	843	Rep.
5486	38	127	Rev. T. 38
5487—5516			Rep.
5517	42	1990	
5518—5535			Rep.
5536	18	701	Rev. T. 18
5537—5541	18	691—965	Rev. T. 18
5542	18	695	Rev. T. 18
5543	18	713	Rev. T. 18
5544	18	712, 712a, 713	Rev. T. 18
5545	18	703	Rev. T. 18
5546	18	696—698	Rev. T. 18
5547	18	699	Rev. T. 18
5548—5550	18	705—707	Rev. T. 18
5551—5561	18	429—439	Rev. T. 18
5562	18	436 nt	Rep.
5563, 5564	18	440, 441	Rev. T. 18
5565, 5566			Rep.
5567	18	442	Rev. T. 18
5568, 5569			Rep.
5570	48	1411	
5571	48	1412	
5572	48	1413	
5573	48	1414	
5574	48	1415	
5575	48	1416	
5576	48	1417	
5577	48	1418	
5578	48	1419	
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5580	20	42	
5581	20	43	
5582	20	44	
5583	20	46	
5584	20	48	
5585	20	45	
5586	20	50	
5587	20	51	
5588	20	52	
5589	20	53	
5590	20	54	
5591	20	55	
5592	20	56	
5593	20	57	
5594	20	67	
5595, 5596			
5597			Rep.
5598			Rep.
5599	1	29a	Rev. T. 1
5600, 5601			

TABLE III—STATUTES AT LARGE

Showing where the Acts of Congress will be found in the United States Code

Abbreviations

Rep.—Repealed. Where "Rep." appears in the status column following a U.S.C. reference, an explanation of the repeal can be found under such U.S.C. title and section.

Rev. T.—Revised Title. Where "Rev. T." appears in the status column, the U.S.C. reference is to title and section where the section of the Act of Congress was originally allocated in the U.S.C. To locate the section of the Act in the U.S.C. revised title, see the Tables (Pages 12583 to 12638 this volume).

Elim.—Eliminated. Where "Elim." appears in the status column following a U.S.C. reference, the reason for the elimination of the text can be found under such U.S.C. title and section.

Exec.—Executed. Where "Exec." appears in the status column, it is an indication that the provisions are directory and that Codification changes in the text of various sections have been made in the Code as a result of such directions.

I.R.C. '39.—Internal Revenue Code of 1939. Where I.R.C. '39 appears in the status column, it is an indication that the provision was repealed or otherwise superseded by the Internal Revenue Code of 1939.

2 Stat.	Chapter	Section	Page	U.S.C. Title	U.S.C. Section	Status
1802—May 3	51	5	193	24	11a	Rep.
1814—Dec. 1	7		248	44	88	Rev. T. 44
1820—Feb. 10	11	14, 15	543	--		I.R.C. '39
1822—May 7	96	3	692	40	307	Elim.
1836—July 4	352	4	111	43	5	Elim.
1837—Mar. 3	33	1	163, 164	43	5	Elim.
9 Stat.						
1846—Aug. 6	84	5	55	--		I.R.C. '39
1850—Sept. 28	80		515	34	868	Rev. T. 10
11 Stat.						
1856—May 14	9		144	--		I.R.C. '39
12 Stat.						
1862—July 1	119	1, 2	432	--		I.R.C. '39
2	130	1	503	7	301	
		2	503	7	302	
		3	504	7	303	
		4	504	7	304	
		5	504	7	305	
		6	505	7	306	Rep.
		7	505	7	307	
		8	505	7	308	
16	184		587	34	505	Rev. T. 10
1863—Mar. 3	Pub. R. 25		825	34	869	Rev. T. 10
	111	1—3	806	36	251-253	
13 Stat.						
1864—Mar. 21	38	6	36	43	82	
June 27	165		199	28	678	Rev. T. 28
30	172	8	221	--		I.R.C. '39
	173	1, 7, 9, 11-18, 20, 26, 32, 33, 35-42, 45, 48, 52, 79, 82, 92, 110, 126, 172, 180, 182.	223-306	--		I.R.C. '39
	184	1, 2	325	16	48	
July 2	216	3	357	43	942-3	
		15	362	45	83	
1865—Mar. 3	78	1, 3, 4, 14, 15	471-483	--		I.R.C. '39
14 Stat.						
1866—July 13	184	9, 11, 14, 16, 19, 20, 25, 28, 29, 38, 41, 43, 44, 46-54, 57-60, 63, 67.	101-172	--		I.R.C. '39
	201	30	185	--		I.R.C. '39
23	209		208	7	305	
28	296	17	323	2	43, 48	

14 Stat.	Chapter	Section	Page	U.S.C. Title	U.S.C. Section	Status
1867—Feb. 5	Pub. R. 11	1	565	--		
Mar. 2	162	8	439	20	128	
	169	1	471	--		I.R.C. '39
		3-5	472	--		I.R.C. '39
		7-10	473-475	--		I.R.C. '39
		14	481	--		I.R.C. '39
		19	482	--		I.R.C. '39
		26	483	--		I.R.C. '39
		32	484	--		I.R.C. '39
15 Stat.						
1868—Mar. 31	41	5	59	--		I.R.C. '39
		7	60	--		I.R.C. '39
June 25	71		75	28	292	Rev. T. 28
July 20	186	1, 2	125	--		I.R.C. '39
		4-9	126	--		I.R.C. '39
			128			
		11, 12	129, 130	--		I.R.C. '39
		14-32	130-139	--		I.R.C. '39
		34-47	140-144	--		I.R.C. '39
		49-75	144-158	--		I.R.C. '39
		75	158	--		I.R.C. '39
		77, 78	158, 159	--		I.R.C. '39
		81, 84	160, 161	--		I.R.C. '39
		86-94	161-164	--		I.R.C. '39
		96-104	164-166	--		I.R.C. '39
		106, 107	167	--		I.R.C. '39
1869—Mar. 1	57	1	282	--		I.R.C. '39
29	Pub. R. 5		52	--		I.R.C. '39
Apr. 10	18	1	41	--		I.R.C. '39
16 Stat.						
1870—June 29	160	3-5	170	24	26a	Rep.
July 1	187		179	--		I.R.C. '39
12	251	1	239	--		I.R.C. '39
14	255	1	256	--		I.R.C. '39
		18	261	--		I.R.C. '39
		34	271	--		I.R.C. '39
	264		277	36	252	
15	292	1	305	45	881	
	293	1	311	40	32	Rep.
	294	20	319	10	16	Rev. T. 10
1871—Feb. 25	71	2	431	--		I.R.C. '39
Mar. 3	Pub. R. 53		601	--		I.R.C. '39
17 Stat.						
1872—May 21	178		137	31	100	
			137	38	130	Rev. T. 38
			137	43	841	Rep.
27	218	1, 2	162	--		I.R.C. '39
28	228	1	164	38	250	Rev. T. 38
June 4	282		215	28	679	Rev. T. 28
6	315	12-33	238-255	--		I.R.C. '39
		37	256	--		I.R.C. '39
		40	257	--		I.R.C. '39
		44	257	--		I.R.C. '39
8	335	15	287	5	365	Rep.
		31, 32	289	39	787	Rev. T. 39
		245	313	39	426	Rev. T. 39
		246	313	39	427	Rev. T. 39
		251	314	39	434	Rev. T. 39
Dec. 24	13		401	--		I.R.C. '39
		1-4	401-403	--		I.R.C. '39
		6	403	--		I.R.C. '39
		7	403	--		I.R.C. '39
1873—Mar. 3	226		486	2	43	Rep.
	231	3	559	7	305	
	232	5	559, 560	--		I.R.C. '39
	244		580	--		I.R.C. '39
	254		586	--		I.R.C. '39
18 Stat.						
1874—Jan. 8	7		2	26	1226	Elim.
20	11		4	2	38, 43	Elim.
			4	2	48	
22	14		5	--		Rep.
29	19		6	31	367	
Feb. 4	22		14	40	28	Elim.

18 Stat.	Chapter	Section	Page	U.S.C. Title	U.S.C. Section	Status
1874—Mar. 4	44		19	5	187	Rep.
5	46		19	5	365	Rep.
7	50		20	40	29	Elim.
23	62	1	23	22	182	
24	Pub. R. 6		286	39	809	Rev. T. 39
			286	41	13a	Rep.
Apr. 7	80	1	27	48	1464	
17	106		30	46	270	
18	110		31	46	336	
20	117	1	33	10	174	Rev. T. 10
		2	33	10	175	Rev. T. 10
May 8	154		43	10	842	Rev. T. 10
9	163		43	--		Rep.
12	168		45	31	261	
June 1	200		50	28	728	Rev. T. 28
6	219		61	38	28 nt	Rev. T. 38
	223	1	62	43	1153	
		2	62	43	1154	
9	259	1	64	--		I.R.C. '39
		2	64	--		I.R.C. '39
	260		64	46	544	
11	275	1	67	22	37	Rep.
		4	70	22	122	Rep.
17	294		77	22	124, 126	Rep.
18	298	1	78	38	157	Rev. T. 38
	299		78	38	156 nt	Rev. T. 38
	301	1	78	17	18	Rev. T. 17
		3	79	17	63	Rev. T. 17
	305		80	43	862, 914	Elim.
20	328	1	85	2	62	
		1	87	2	77	
		1	88	22	2660	
			88	5	373	Rep.
		1	88	40	28	Elim.
		1	88	44	191a, 193	Rev. T. 44
		1	90	5	152	Rep.
		1	90	22	2664	
			90	44	321	Rev. T. 44
			96	31	265, 268	Elim.
		1	97	31	261	
		1	99	48	1456	
		1	101	10	642a	Rev. T. 10
		1	109	5	334	Rep.
		2	109	28	524	Rev. T. 2
		3	109	5	71	Rev. T. 5
		4	109	31	583(1)	Rep.
		4	109	31	711	
		5	110	31	713	
	330		111	43	867	Elim.
	331		111	45	83	
	333	2	113	1	54 nt	Rev. T. 1
	337	2	116	40	65	Elim.
	343	1	123	12	38	
		3	123	12	121, 123, 131	
		4	124	12	176	
		5	124	12	105	
		6	124	31	402	
		8	125	12	126	
	344	6, 7	127	14	192, 193	Rev. T. 14
		8, 9	127	14	92, 108	Rev. T. 14
		11	128	33	362	
		12	128	33	363	
		13	128	33	364	
22	388		135	48	1487	
	389	1	147	25	64	
		10	177	25	87	Rep.
	391	5	187	19	535	
		8	188	19	537	
		13	188	19	494	Rep.
	392	2	192	34	1200, art. 37	Rev. T. 10
	400		194	43	888	
	414		200	45	89	
	419		202	31	370	
	453		203	34	1066, 1067	Rev. T. 10
	455	1	206	12	124	
		1	206	31	422	
		1	216	31	721	
		1	220	33	740b	Rep.

18 Stat.	Chapter	Section	Page	U.S.C. Title	U.S.C. Section	Status
1874—June 22	456	1	231	39	354	Rev. T. 39
		5	232	39	283	Rev. T. 39
		6	233	39	282, 285	Rev. T. 39
		9	233	39	231	Rev. T. 39
		12	235	39	426, 427, 434	Rev. T. 39
		13	237	39	290	Rev. T. 39
	458	2	244	10	62	Rev. T. 10
	465	1	251	24	212	
		2	251	24	213	
		3	252	24	214	
	468		252	28	243	Rev. T. 28
	476	1	275	31	682	
		2	276	40	254	Rep.
	486		282	50	52, 53	Rep.
Dec. 28	9	2	294	1	106a	Rev. T. 1
		2	294	5	159	Rev. T. 5
1875—Jan. 14	15	1	296	31	417	
		2	296	31	332	
		2	296	31	333	Elim.
		3	296	31	402	
19	19		302	12	151	
22	22		303	19	530	Elim.
Feb. 8	36	11	309	19	24, 36, 27	Rep.
		12, 13	307, 310	--		I.R.C. '39
		16, 17	310, 311	--		I.R.C. '39
		19	311	12	562	Rep.
		19	311	--		I.R.C. '39
		20, 21	311	12	563, 564	Rep.
		21	311	--		I.R.C. '39
		23	312	19	64	
		23-25	312	--		I.R.C. '39
11	41		315	30	28	
16	77	1, 2	315	28	771, 772	Rev. T. 28
18	80	1	316	2	106, 107	
		1	317	31	1024	
		1	317	12	12, 14	
		1	317	31	104	
		1	317	43	72	
		1	317	44	321	Rev. T. 44
		1	318	8	703 nt	
		1	318	25	218	Rep.
		1	318	28	577, 874, 879	Rev. T. 28
		1	319	12	569	Rep.
		1	319	--		I.R.C. '39
		1	319	31	286	Rep.
		1	320	12	94, 110, 185	
		1	320	39	723	Rev. T. 39
		1	319	39	501	Rev. T. 39
		1	320	46	188, 227	
		1	320	46	304	Rep.
19	89		329	12	481-485	
22	95	2	333	28	497, 515	Rev. T. 28
		3	333	28	514	Rev. T. 28
		4-6	333, 334	28	520-522	Rev. T. 28
23	99		334	43	989	
Mar. 1	114	3, 4	336	8	44, 45	Rep.
		5	337	42	1984	
	115		337	10	16	Rev. T. 10
2	119	1	338	2	223	Rep.
		2	338	2	203	Rep.
3	128	1	340	39	54	Rev. T. 39
		4	343	31	113	Rep.
		4	343	39	781	Rev. T. 39
		5	343	39	325	Rev. T. 39
		7	343	39	329	Rev. T. 39
	129	1	344	2	62	
		1	345	40	209	
		1	346	2	77	
		1	349	5	153	Rep.
		1	352	15	178	
		1	352	15	179	Rep.
		1	359	24	111	Rep.
		1	359	24	122	Rep.
		1	359	31	711	
		3	370	31	624	
	130	1	372	12	106	
		1	372	13	96	Rev. T. 13
		1	372	14	96	Rev. T. 14
		1	372	33	730a	
		1	374	38	123	Rev. T. 38

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1875—Mar. 3	130	1	376	40	189, 190	
		1	377	42	10	Rep.
		1	388	50	64a	Rep.
		1	389	2	34	
		2	397	31	109	Rep.
		3	399	12	127	Rep.
		6	400	2	7	
		8	401	2	118	
	131	5	418	31	713a	Rep.
		12	419	--		I.R.C. '39
		14	420	5	11	Rev. T. 5
		15	420	43	189	
	132	1	421	25	64	
		1	424	25	129	
		2	449	25	128	
		3	449	25	137	
		4	449	25	133	
		6	450	25	135	
		7	450	25	96	
		9	450	25	95	Rep.
		10	450	25	37	Rep.
	133	1	452	5	73	Rep.
		1	453	10	1376	Rev. T. 10
		1	455	50	84	Rep.
		2	455	41	10	Elim.
	135		467	10	1084, 1136	Rev. T. 10
	141	1	477	8	336	
		2	477	8	338	
		4	477	8	339	
	144	1, 2	479	18	100, 101	Rev. T. 18
	145	1	479	18	713	Rev. T. 18
		2	480	18	700	Rev. T. 18
	149		481	31	227	
	151	2, 3	481, 482	18	110	Rev. T. 18
	152	1	482	43	934	
		2	482	43	935	
		3	482	43	936	
		4	483	43	937	
		5	483	43	938	
		6	483	43	939	
	153		483	22	32	
	154		484	--		I.R.C. '39
	155		484	34	201	Rev. T. 10
	156	3	485	24	1	Rep.
		4	485	24	7	Rep.
		5	486	24	193	Rep.
		6	486	24	11, 11a	Rep.
19 Stat.						
1876—Feb. 1	6		2	22	178	
Apr. 13	56		32	18	582	Rev. T. 18
18	66	1	34	2	23	
		2	34	2	24	
21	72	1	35	43	890	
		2	35	43	891	
		3	36	43	892	
27	84		38	43	762	
29	86		41	40	214	
May 1	88	1	41	2	195	
		1	43	48	1466	
5	91		52	30	49	
8	Pub. R. 10		213	--		I.R.C. '39
13	95		53	--		I.R.C. '39
23	103		54	2	51	
June 10	122		58	25	160	
26	146		61	10	1312	Rev. T. 10
	147	1	61	28	481, 490	Rev. T. 28
		4	62	28	481, 490	Rev. T. 28
30	156	1	63	12	191	
		2	63	12	65	Rep.
		3	63	12	197	
		4	64	12	55	
		5	64	31	424	
	159		66	34	133	Rev. T. 10
			69	34	509	Rev. T. 10
July 5	167		74	34	1129	Rev. T. 10
12	179	4	80	31	114	Rep.
		6	80	39	31	Rev. T. 39
		11	82	39	82	Rev. T. 39
		14	82	39	362	Rev. T. 39
		15	82	39	248	Rev. T. 39

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1876—July 12	183		88	18	696–698	Rev. T. 18
	185		90	46	302	Rep.
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		105(b)	799	22	2212	
		106	799	22	2217	
		106	800	22	2217a, 2218	
		106	800	22	2217b	Rep.

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		107(d)	801	22	2222	
		108(a)	801	22	2241	
		108(b)	801	22	2242	
		109	801	22	2261	
		110	802	22	2281	
		201(a)	802	22	2312	
		201(b)	803	22	2314	
		201(c)	803	22	2316	
		201(d)	803	22	2318	
		201(e)	803	22	2320	
		201(f)	803	22	2341	Rep.
		301(a)	803	22	2351	
		301(b)	804	22	2354	
		301(c)	804	22	2358	
		301(d)	804	22	2360	
		301(e)	805	22	2362	
		301(f), (g)	805	22	2364	
		301(h)	805	22	2370	
		302(a)	807	22	2382	
		302(b)	807	22	2384	
		302(c)	807	22	2394	
		302(d)	807	22	2395	
		302(e)	808	22	2397	
	89-584	1	808	22	277d-30	
		2	808	22	277d-31	
	89-586		809	7	1991, 1991 nt	
	89-589		811	46	1152	
	89-590		811	28	2241	
	89-592		814	25	70n-1	
20	89-593	1(a)	815	39	4556	Rep.
		1(a)	816	39	4557, 4558	Rep.
		1(a)	817	39	4559	Rep.
		1(b)	818	39	Prec. 4551	Elim.
		2(a)	818	39	4553	Rep.
		2(b)	818	39	4303	Rep.
		2(c)	818	39	4359	Rep.
		2(d)	818	39	4554	Rep.
		3	818	39	4552	Rep.
		4	819	31	695 nts	
		5	819	39	4558 nt	Elim.
		6	821	39	4552 nt, 4556 nt, 4558 nt	Elim.
	89-595		821	12	1042	
	89-596	1	822	43	616nnn	
		2	822	43	616ooo	
		3	822	43	616ppp	
		4	822	43	616qqq	
		5	822	43	616rrr	
		6	823	43	616sss	
21	89-597	1	823	21	461 nt	
		2(a)	823	12	461	
		2(b)	824	12	371a, 371b, 374, 374a, 463—466	
		2(c)	824	12	371b	
		2(d)	824	31	771	
		3	824	12	1828	
		4	825	12	1425b	
		5	825	12	461 nt	
		6	825	12	355	
		7	825	12	461 nt	
23	89-601	1	830	29	203 nt	
		101	830	29	203	
		102	831	29	203	
		103	832	29	203	
		201—203	833	29	213	
		204(a)	834	29	213	
		204(b)	835	29	213	
		204(c)	835	29	207	
		204(d)	836	29	207	
		207—209	836	29	213	
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		215(a)	837	29	203	
		215(b), (c)	838	29	213	
		301—303	838	29	206	
		304	839	29	206	
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		501	842	29	214	
		601(a)	844	29	216	

or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated under said subchapter and sections having that effect. (Sept. 23, 1950, ch. 1024, Title I, § 1 (b), 64 Stat. 787.)

REFERENCES IN TEXT

Sections 137 to 137-8, 156, 456, 457 (b), 704, 705, 725, 729 (c), 733, 734 (b) and 735 of Title 8, referred to in the text, were repealed by Act June 27, 1952, ch. 477, title IV, § 403 (a) (13) (16) (39) (42), 66 Stat. 279, 280, and are now covered by subchapters II and III of chapter 12 of Title 8, Aliens and Nationality.

Section 611(c)(5) of Title 22, referred to in first par. was repealed Aug. 1, 1956, c. 849, § 1, 70 Stat. 899.

CODIFICATION

Section is comprised of subsection (b) of section 1 of act Sept. 23, 1950. Subsection (a) is set out as a note under section 781 of this title.

SUBCHAPTER II.—EMERGENCY DETENTION OF SUSPECTED SECURITY RISKS

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this subchapter to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

CROSS REFERENCES

Military or civilian censorship prohibited, and preservation of certain Constitutional rights, see section 798 of this title.

§ 811. Congressional finding of necessity.

As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the

successful prosecution of the common defense, especially in time of invasion, war, or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces, and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

(Sept. 23, 1950, ch. 1024, title II, § 101, 64 Stat. 1019.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

SHORT TITLE

Congress, in enacting this subchapter, provided by section 100 by act Sept. 23, 1950, that it should be popularly known as the "Emergency Detention Act of 1950".

SEPARABILITY OF PROVISIONS

The first sentence of section 116 of act Sept. 23, 1950, provided: "If any provision of this title [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title [this subchapter], or the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 812. Declaration of "internal security emergency" by President; events warranting; period of existence.

(a) In the event of any one of the following:

(1) Invasion of the territory of the United States or its possessions,

(2) Declaration of war by Congress, or

(3) Insurrection within the United States in aid of a foreign enemy.

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency".

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress. (Sept. 23, 1950, ch. 1024, title II, § 102, 64 Stat. 1021.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 813. Detention during emergency; release.

(a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is authorized to apprehend and by order detain, pursuant to the provisions of this subchapter, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

(Sept. 23, 1950, ch. 1024, title II, § 103, 64 Stat. 1021.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 814. Procedure for apprehension and detention.

(a) Warrants and applications.

The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage; and

(2) an application for an order to be issued pursuant to subsection (d) of this section for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Service of warrants and apprehension; copies for persons apprehended.

Warrants for the apprehension of persons under this subchapter shall be served and apprehension of such persons shall be made only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension shall be furnished to any person apprehended under this subchapter.

(c) Places of confinement; provision for transportation, food, shelter, etc., and supervision.

Persons apprehended or detained under this subchapter shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this subchapter.

(d) Preliminary hearing; rights of detainee; evidence; orders and reports of hearing officer; appointment of preliminary hearing officers.

Within forty-eight hours after apprehension, or as soon thereafter as provision for it may be made, each person apprehended pursuant to this section shall be taken before a preliminary hearing officer appointed pursuant to the provisions of this section. Such hearing officer shall inform such person (1) of the grounds upon which application was made for his detention, (2) of his right to retain counsel, (3) of his right to have a preliminary examination, (4) of his right to refrain from making any statement, and (5) of the fact that any statement made by him may be used against him. Such hearing officer shall allow such person reasonable time and opportunity to consult counsel. If such person waives preliminary examination, the hearing officer shall forthwith issue an order for the detention of such person, and furnish to him a copy of such order. If such person does not waive examination, the preliminary hearing officer shall hear evidence within a reasonable time. Such person may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge. Such hearing officer shall record all evidence offered by or on behalf of such person and all objections made by such person to his detention. If from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this subchapter, such hearing officer shall forthwith issue an order for the detention of such person, furnish to him a copy of such order, and advise such person of his right to file with the Detention Review Board established by this subchapter a petition for the review of such order. If from the evidence it appears to the preliminary hearing officer that probable cause for the detention of such person has not been shown, such officer shall issue an order discharging such person from detention, and shall furnish a copy of such order to such person. Upon the entry of such order, such person shall be released from custody by the Attorney General and by any subordinate officer or employee of the United States having custody of such person. Within seven days after the entry of any such order, the preliminary hearing officer shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, (1) a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether any order issued for the detention of such person shall be continued in effect or revoked, and (2) any additional written representations or evidence which the detainee or his legal counsel may wish to file with the Attorney General. A copy of such report shall be served promptly upon the detainee or his legal counsel. Preliminary hearing officers may be appointed by the President, without regard to the civil service laws but subject to chapter 51 and subchapter III of chapter 53 of Title 5, in such numbers, and may serve at such places, as may be necessary for the expeditious consideration of cases involving persons apprehended pursuant to this section. No person who has, within the three years preceding the date of his appointment, served as an officer or employee of the Department of Justice shall be appointed as a preliminary hearing officer.

(e) Receipt of additional information upon request of detainee; revocation or modification of detention order.

The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the

order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this subchapter.

(f) Presentation of evidence in case of Board or court review; right to withhold certain information.

In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible consistent with national security, the evidence supporting a finding of reasonable ground for detention in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

(g) Regulations by Attorney General; exclusion of forced labor and confinement with criminals.

The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this subchapter, as he shall deem necessary to promote the effective administration of this subchapter. No such regulation shall require or permit persons detained under the provisions of this subchapter to perform forced labor, or any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

(h) Bimonthly reports to President and Congress during emergency.

Whenever there shall be in existence an emergency within the meaning of this subchapter, the Attorney General shall transmit bimonthly to the President and to Congress a report of all action taken pursuant to the powers granted in this subchapter. (Sept. 23, 1950, ch. 1024, title II, § 104, 64 Stat. 1022.)

REFERENCES IN TEXT

The civil service laws referred to in subsec. (d), are classified generally to Title 5, Government Organization and Employees.

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 819, 820 of this title.

§ 815. Detention Review Board.

(a) Creation; membership; terms; designation of Chairman; removal.

The President is authorized to establish a Detention Review Board (referred to in this subchapter as the "Board") which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of one year each, three for terms of two years each, and three for terms of three years each, but their successors shall be appointed for terms of three years each, subject to termination of the term upon expiration of this subchapter, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

(b) Board divisions; vacancies; powers of remaining members; quorum; official seal; judicial notice.

The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

(c) Reports to Congress; contents.

At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(d) Dissolution upon termination of emergency, release of detainees, and conclusion of proceedings; subsequent establishment.

In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall within a reasonable time dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this subchapter, of another Board with all of the rights, authority, and duties prescribed by this subchapter, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security. (Sept. 23, 1950, ch. 1024, title II, § 105, 64 Stat. 1023.)

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this section to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note under that section.

§ 816. Salaries of Board members; other personnel; use of agencies and services; expenses; appropriations.

(a) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys and other employees as it may from time to time find

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		611	992	50	100a	
		612(e)	993	41	11	
		616	994	40	483a	
		619	994	31	700a	
		622	995	10	2103 nt	
	89-688	1	998	33	1121, 1121 nt	
		1	999	33	1122, 1123	
		1	1001	33	1124	
		2(a)	1001	33	1101 nt	
		2(b)	1001	33	1103, 1104, 1107, 1108	
	89-689	200	1009	43	377a	
		501	1014	31	638c	
	89-690	1	1016	10	Prec. 1571, 1571, 1572	Rep.
		1	1017	10	1573—1577	Rep.
		2	1017	10	Prec. 101, Prec. 501	
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		105	1020	22	2151 nt	
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		116	1022	22	2370 nt	
		404	1025	2	61g-1	
	89-692		1025	26	162 nt	
16	89-695	1	1028	12	1464 nt	
		101(a)	1028	12	1464	
		101(b)	1036	12	1464 nt	
		102(a)	1036	12	1730	
		102(b)	1046	12	1730 nt	
		103	1046	12	1730a	
		201	1046	12	1813, 1817	
		202	1046	12	1818	
		203	1053	12	1820	
		204	1054	12	1818	
		205	1055	12	1819	
		206	1055	12	1813 nt	
		301(a)	1055	12	1813	
		301(b)	1055	12	1817	
		301 (c), (d)	1055	12	1821	
		301(e)	1055	12	1813 nt	
		302(a)	1055	12	1724	
		302(b)	1055	12	1728	
		302(c)	1055	12	1724 nt	
		303(a)	1056	12	1813	
		303(b)	1056	12	1728	
		401	1056	12	1464 nt	
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		1(2)	1057	10	Prec. 2381	
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29	89-698	1	1066	20	1171 nt	
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		105	1068	20	1176	
		106	1069	20	1177	
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		202(3)	1070	20	601, 602	
		203(a)	1071	22	2452	
		203(b)	1071	22	2454	
		203(c)	1072	22	2455	
		204	1072	20	1085	
		301	1072	22	2452 nt	
30	89-699	1	1073	45	228c	
		2	1074	45	228o	
		3(a)	1074	45	228c nt	
		3(b)	1075	45	228o nt	
		201(a)	1075	45	228b	
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		301(b)	1078	26	3211	
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		102	1079	45	228b	
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		109	1085	45	228s	
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		111	1085	45	215 nt	
		112	1085	45	228a nt	
		201	1087	45	351	
		202	1087	45	352	
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		204	1087	45	358	
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		2, 3	2077	19	1356f nts	
13	91-695	1	2078	42	4801 nt	
		101	2078	42	4801	
		201	2078	42	4811	
		301	2079	42	4821	
		401	2079	42	4831	
		501	2080	42	4841	
		502	2080	42	4842	
		503	2080	42	4843	

TABLE IV.—EXECUTIVE ORDERS

This Table lists the Executive Orders that implement general and permanent law as contained in U.S.C.

Exec. Ord.		U.S.C.	
Date	No.	Title	Sec.
1918			
May 11	2859	36	253 nt
1923			
June 8	3861	43	1457 nt
1925			
Mar. 17	4175	43	1457 nt
1929			
Oct. 1	5200	7	452 nt
1930			
July 21	5398	43	1457 nt
1933			
Mar. 27	6084	12	Prec. 636 nt
June 8	6161	16	831u nt
10	6166	5	901 nt
July 30	6237-A	50 App.	12 nt
Aug. 28	6260	12	95a nt
Oct. 25	6359	12	248 nt
1934			
Jan. 12	6556	12	95a nt
15	6558	31	273 nt
	6560	12	95a nt
Feb. 22	6611	43	1457
May 23	6715	31	11 nt
29	6726	43	1457 nt
1935			
Feb. 28	6979	15	715j nt
May 29	7058	12	1702 nt
Dec. 21	7252	15	701-712 nt
1936			
Jan. 4	7263	11	205 nt
28	7280	12	1702 nt
Mar. 26	7323	15	701-712 nt
May 7	7365	15	713b nt
Nov. 14	7496	16	459r nt
Dec. 21	7521	14	81 nt
1937			
Dec. 1	7756	15	715j nt
1938			
Mar. 22	7848	15	611a nt
1939			
Aug. 7	8219	15	611a nt
Sept. 5	8233	50 App.	Prec. 1 nt
	8234	50 App.	Prec. 1 nt
1940			
Apr. 10	8389	12	95a nt
May 10	8405	12	95a nt
June 17	8446	12	95a nt
July 15	8484	12	95a nt
25	8493	12	95a nt
Oct. 10	8565	12	95a nt
1941			
Mar. 4	8701	12	95a nt
13	8711	12	95a nt
24	8721	12	95a nt
Apr. 23	8743	5	3301 nt
28	8746	12	95a nt
June 14	8785	12	95a nt
July 26	8832	12	95a nt
Dec. 9	8963	12	95a nt
26	8998	12	95a nt
1942			
Mar. 11	9095	50 App.	6 nt
Apr. 4	9126	50 App.	601 nt
May 29	9176	22	Prec. 611 nt
30	9177	50 App.	601 nt
July 6	9193	50 App.	6 nt
Aug. 20	9230	5	3301 nt
	9232	50 App.	601 nt
Nov. 5	9262	50 App.	601 nt
Dec. 5	9280	7	452 nt
24	9287	50	129 nt
1943			
Mar. 6	9310	7	427 nt
26	9322	7	452 nt
Apr. 7	9325	50 App.	6 nt
19	9334	7	452 nt
29	9338	50 App.	601 nt
June 30	9357	50 App.	601 nt
July 23	9363	50 App.	601 nt
Oct. 1	9382	19	2 nt
4	9384	31	21 nt
1944			
Feb. 18	9424	35	261 nt, 266 nt
Apr. 8	9433	19	2 nt
June 26	9452	22	843 nt
July 10	9454	50 App.	1591 nt
Nov. 27	9504	19	2 nt
1945			
Jan. 19	9514	22	843 nt
Mar. 16	9531	19	2 nt
24	9533	19	2 nt
June 8	9567	50 App.	6 nt
July 6	9586	5	4504 nt
Aug. 22	9601	40	326 nt
30	9607	29	207 nt
31	9608	50 App.	601 nt
Sept. 14	9614	50 App.	601 nt
19	9617	50 App.	601 nt
21	9621	50 App.	601 nt
27	9630	50 App.	601 nt
Oct. 3	9637	10	1122 nt
30	9649	50 App.	601 nt
Dec. 29	9666	14	1 nt
1946			
Jan. 3	9672	50 App.	601 nt
14	9678	5	3301 nt
Feb. 19	9698	22	288 nt

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Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.
1946			
Apr. 13	9712	5	3301 nt
May 10	9721	22	288 nt
14	9723	50 App.	Prec. 1 nt
16	9724	50 App.	601 nt
	9725	50 App.	20 nt
17	9726	22	411 nt
24	9730	50 App.	601 nt
June 28	9744	50 App.	601 nt
30	9742	50 App.	601 nt
July 8	9747	12	95a nt
		50 App.	6 nt
24	9760	50 App.	6 nt
Oct. 14	9788	50 App.	6 nt
Dec. 12	9809	50 App.	601 nt
31	9816	42	2031 nt
1947			
Jan. 24	9823	22	288 nt
Feb. 21	9829	42	2031 nt
25	9831	47	606 nt
Apr. 23	9841	50 App.	601 nt
May 6	9847	50 App.	601 nt
27	9857A	10	1122 nt
31	9863	22	288 nt
June 14	9865	15	1513 nt
		35	266 nt
July 16	9873	36	132 nt
Nov. 13	9903	50 App.	601 nt
Dec. 19	9911	22	288 nt
1948			
Jan. 5	9919	50 App.	1911 nt
Feb. 4	9930	44	1510 nt
27	9932	22	922 nt
Mar. 20	9937	22	1383 nt
Apr. 2	9942	50 App.	1929 nt
June 12	9967	5	3347 nt
25	9972	22	288 nt
Oct. 5	10005	48	734 nt
Dec. 30	10025	22	288 nt
1949			
Jan. 14	10028	50 App.	456 nt
Feb. 8	10033	22	286f nt
May 14	10057	36	132 nt
Sept. 7	10077	48	1421 nt
Oct. 11	10083	22	288 nt
Nov. 25	10086	22	288 nt
Dec. 3	10087	36	132 nt
6	10090	15	46 nt
1950			
Jan. 23	10096	35	266 nt
28	10100	50	403e nt
Feb. 1	10103	22	288 nt
	10104	18	795 nt
9	10108	22	287 nt
27	10113	37	418 nt
Apr. 14	10122	10	1216 nt
June 16	10131	50 App.	1959 nt
30	10137	48	1421 nt
Aug. 5	10148	15	1502 nt
Sept. 27	10164	50 App.	454 nt
Oct. 30	10178	48	1421f nt
Dec. 1	10186	50 App.	2271 nt
6	10190	50	740 nt
13	10191	25	348 nt
22	10199	7	610 nt
1951			
Jan. 19	10206	22	287d—1 nt
Mar. 12	10222	50 App.	2256 nt
26	10228	22	288 nt
Apr. 27	10238	19	2 nt
	10240	10	3818 nt
1951			
May 8	10242	50 App.	2253 nt
17	10244	50 App.	40 nt
June 4	10249	22	846 nt
	10250	3	301 nt
7	10251	40	321 nt
11	10253	31	18b nt
15	10254	22	1382 nt
29	10264	48	1662 nt
July 7	10271	50 App.	471 nt
10	10272	24	18 nt
Aug. 30	10282	40	321 nt
Sept. 17	10289	3	301 nt
Oct. 2	10296	42	1592m nt
Nov. 23	10307	18	3496 nt
Dec. 10	10312	47	606 nt
1952			
Apr. 3	10336	5	4504 nt
4	10338	22	2382 nt
7	10339	42	1589a nt
18	10346	50 App.	2292 nt
	10347	4	42 nt
28	10348	12	95a nt
May 26	10355	43	141 nt
June 9	10358	5	6103 nt
Aug. 11	10382	50 App.	1957 nt
18	10385	42	1589a nt
Sept. 19	10395	42	1589a nt
27	10400	10	1216 nt
Oct. 31	10402	33	143 nt
Nov. 6	10407	5	5517 nt
Dec. 2	10416	40	321 nt
31	10421	50	404 nt
1953			
Jan. 9	10422	22	287 nt
16	10425	42	1589a nt
	10427	42	1855d nt
19	10431	50	401 nt
Feb. 6	10434	50 App.	2101 nt
Apr. 7	10443	40	321 nt
17	10446	41	5, 255 nts
27	10450	5	7311 nt
June 2	10459	22	287 nt
22	10462	42	1589a nt
July 17	10471	5	6305 nt
Aug. 1	10477	22	811a nt
18	10480	50 App.	2153 nt
Sept. 3	10485	15	717b nt
		16	824a nt
12	10486	12	1701h nt
18	10487	50 App.	1971i nt
28	10489	50 App.	2153 nt
Oct. 13	10491	5	7311 nt
14	10493	15	640 nt
	10494	50 App.	2101 nt
Nov. 5	10501	50	401 nt
Dec. 1	10504	15	641 nt
1954			
Jan. 19	10513	5	3347 nt
Mar. 17	10521	42	1862 nt
26	10522	22	826 nt
Apr. 23	10529	50 App.	2292 nt
May 10	10530	3	301 nt
27	10531	5	7311 nt
June 3	10533	22	288 nt
9	10534	33	981 nt
	10536	49	1115 nt
29	10540	5	6301 nt
July 27	10547	12	248 nt
Aug. 3	10548	5	7311 nt
5	10550	5	7311 nt
10	10552	5	6104 nt
18	10554	10	772 nt
Sept. 13	10561	5	1302 nt
Oct. 26	10573	3	301 nt

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.
1954			
Nov. 8	10574	50 App.	2153 nt
22	10577	5	3301 nt
30	10579	40	486 nt
Dec. 17	10582	41	10d nt
18	10583	3	301 nt
	10584	16	1005 nt
1955			
Jan. 1	10585	26	112 nt
13	10587	50 App.	32 nt
27	10593	42	1592m nt
Mar. 21	10601	7	1743 nt
24	10602	26	7652 nt
Apr. 22	10604	20	107 nt
May 5	10608	22	901 nt
7	10609	22	280h nt
25	10614	5	5732 nt
June 22	10616	10	5751 nt
28	10617	10	3313 nt
July 1	10621	3	301 nt
28	10624	7	1762 nt
Aug. 15	10629	50	1013 nt
17	10631	10	802 nt
25	10634	50 App.	2092 nt
Sept. 16	10637	3	301 nt
Oct. 26	10641	5	3301 nt
Nov. 7	10644	22	1631a nt
28	10647	50 App.	2160 nt
1956			
Jan. 20	10654	16	1005 nt
Feb. 14	10657	42	2313 nt
27	10661	3	301 nt
Mar. 13	10662	50 App.	2153 nt
May 10	10667	50	1013 nt
	10668	36	253 nt
Aug. 21	10675	5	3301 nt
Sept. 11	10676	22	288 nt
	10677	50	1013 nt
20	10678	50 App.	1941r nt
Oct. 1	10680	22	288 nt
22	10682	3	301 nt
Nov. 16	10687	10	5762 nt
1957			
Jan. 16	10695	35	266 nt
Feb. 20	10699	26	6103 nt
Mar. 12	10701	26	6103 nt
18	10703	26	6103 nt
Apr. 17	10705	47	606 nt
29	10706	26	6103 nt
May 17	10712	26	6103 nt
June 27	10717	5	4504 nt
	10718	22	1201 nt
July 11	10720	50 App.	1941r nt
Aug. 16	10725	10	5751 nt
31	10727	22	288 nt
Sept. 24	10730	10	332 nt
Oct. 10	10732	3	301 nt
17	10734	42	2313 nt
29	10737	42	1855d nt
Nov. 15	10738	26	6103 nt
Dec. 12	10745	5	3301 nt
1958			
Feb. 12	10752	3	301 nt
		15	715j nt
Mar. 17	10759	3	301 nt
28	10762	50 App.	454 nt
Apr. 23	10763	22	287 nt
	10764	40	321 nt
May 1	10766	42	1594j nt
29	10769	22	288 nt
June 20	10771	33	981 nt
1958			
July 1	10773	7	1743 nt
		42	1592m, 1855d nts
		47	606 nt
		50	404 nt
		50 App.	2092, 2101, 2253, 2292 nts
28	10774	22	2025 nt
	10776	50 App.	454 nt
Aug. 20	10779	42	1857 nt
Sept. 2	10780	10	5762 nt
	10781	10	5764 nt
6	10782	7	1743 nt
		42	1952m, 1855d nts
		47	606 nt
		50	404 nt
		50 App.	2092, 2101, 2253, 2292 nts
Oct. 1	10783	42	2453 nt
Nov. 1	10786	49	1345 nt
14	10789	40	1431 nt
20	10790	3	301 nt
Dec. 3	10793	42	2453 nt
13	10795	22	288 nt
24	10797	49	1345 nt
1959			
Jan 21	10801	26	6103 nt
Feb. 18	10805	5	2302
Mar. 11	10806	26	6103 nt
19	10807	42	1862 nt
	10808	26	6103 nt
Apr. 22	10810	38	111 nt
29	10815	26	6103 nt
May 7	10816	50	401 nt
11	10818	26	6103 nt
18	10820	5	3347 nt
20	10822	22	811a nt
29	10824	31	203 nt
Aug. 19	10832	22	288 nt
21	10834	4	1 nt
Sept. 8	10836	3	301 nt
30	10839	5	3347 nt
	10840	31	203 nt
	10841	42	2153 nt
Oct. 13	10846	26	6103 nt
Nov. 27	10849	42	2472 nt
	10852	3	301 nt
30	10855	26	6103 nt
	10856	28	81A nt
Dec. 29	10857	48	192 nt
1960			
Jan. 13	10858	23	313 nt
Feb. 11	10861	10	5762 nt
18	10863	22	401 nt
	10864	22	288 nt
20	10865	50	401 nt
	10866	22	288 nt
Mar. 9	10869	5	3301 nt
16	10871	26	6103 nt
Apr. 8	10873	22	288 nt
25	10876	26	6103 nt
June 7	10880	5	3301 nt
July 6	10881	38	111 nt
18	10882	3	301 nt
Aug. 11	10883	49	1151 nt
Oct. 5	10889	3	301 nt
Nov. 8	10892	37	301 nt
	10893	22	2382 nt
25	10895	10	1586 nt
29	10896	12	95a nt
Dec. 2	10897	22	1061 nt
	10898	23	313 nt
9	10899	42	2162 nt

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.
1961			
Jan. 5	10900	7	1691 nt
		22	2382 nt
9	10901	50	401 nt
	10903	5	5921 nt
14	10905	12	95a nt
17	10906	26	6103 nt
	10909	50	401 nt
18	10913	16	1005 nt
21	10914	7	612 nt
24	10915	7	1691 nt
		22	2382 nt
	10916	26	6103 nt
Feb. 16	10918	29	141 nt
Mar. 24	10930	35	266 nt
Apr. 24	10935	26	6103 nt
	10936	41	252 nt
May 4	10938	50	403 nt
15	10941	5	3347 nt
19	10942	42	2472 nt
	10943	22	288 nt
26	10946	42	2451 nt
June 13	10947	26	6103 nt
27	10950	3	301 nt
July 20	10952	50 App.	2271 nt
26	10954	26	6103 nt
Aug. 10	10956	42	2153 nt
14	10958	50 App.	2271 nt
21	10960	3	301 nt
24	10962	26	6103 nt
Sept. 20	10964	50	401 nt
Oct. 10	10966	26	6103 nt
	10968	23	313 nt
Nov. 3	10972	7	1691 nt
	10973	22	2381 nt
20	10976	40	321 nt
Dec. 12	10979	5	4504 nt
29	10981	26	6103 nt
25	10982	5	3076 nt
30	10983	22	288 nt
1962			
Jan. 12	10985	50	401 nt
	10986	23	313 nt
17	10987	5	7501 nt
	10988	5	7301 nt
Feb. 2	10990	5	7902 nt
14	10994	29	38 nt
16	10996	5	5518 nt
	10997	43	1457 nt
	10998	7	2204 nt
	10999	15	1512 nt
	11000	29	551 nt
	11001	42	3501 nt
	11002	39	501 nt
	11003	49	1341 nt
	11004	12	1701c nt
	11005	49	12 nt
26	11007	5	901 nt
Mar. 27	11012	3	301 nt
Apr. 17	11014	22	2454 nt
27	11017	16	17k nt
	11018	29	38 nt
	11019	22	288 nt
May 7	11020	26	6103 nt
	11021	48	1681 nt
14	11022	42	3001 nt
28	11023	3	301 nt
June 19	11030	44	1505 nt
25	11034	22	2454 nt
July 11	11036	7	1691 nt
20	11037	12	95a nt
Aug. 6	11041	22	2501 nt
20	11044	22	2575 nt
24	11046	10	3746 nt
28	11047	49	1345 nt
1962			
Sept. 5	11048	48	Prec. 491 nt
14	11049	42	2642 nt
27	11051	50 App.	2271 nt
30	11053	10	332 nt
Oct. 10	11055	26	6103 nt
18	11057	42	2162 nt
23	11058	10	263 nt
	11059	22	288 nt
Nov. 8	11060	42	2652 nt
20	11062	50 App.	2153 nt
	11063	42	1982 nt
23	11065	26	6103 nt
28	11069	16	17k nt
Dec. 27	11071	26	955 nt
1963			
Jan. 2	11073	5	5304 nt
15	11075	19	1801 nt
22	11077	22	2603 nt
25	11079	10	2603 nt
30	11080	26	6103 nt
Feb. 4	11082	26	6103 nt
7	11083	26	6103 nt
15	11084	47	305 nt
22	11085	5	4504 nt
26	11086	50 App.	32 nt
	11087	22	2651 nt
	11088	31	1002 nt
	11089	42	2201 nt
	11090	49	1324 nt
	11091	5	7301 nt
	11092	47	606 nt
	11093	40	751 nt
	11094	12	248, 635, 636, 1437, 1820 nts
	-----	15	78d, 634 nts
	-----	38	210 nt
	11095	16	797, 831a nts
	-----	42	1862, 2472 nts
	-----	45	228j nt
28	11097	50	401 nts
Mar. 18	11099	26	6103 nt
Apr. 5	11102	26	6103 nt
10	11103	22	2504 nt
18	11105	42	2313 nts
	11106	19	1801 nt
25	11107	43	975f nt
May 22	11108	7	1642 nt
27	11109	26	6103 nt
June 4	11110	3	301 nts
11	11111	10	332 nt
13	11113	19	1801 nt
Aug. 5	11116	24	34 nt
Sept. 10	11118	10	332 nt
Oct. 29	11125	18	205 nt
Dec. 17	11133	26	6103 nt
1964			
Jan. 7	11137	5	5921 nt
30	11140	42	202 nt
Feb. 12	11141	5	3301 nt
Mar. 2	11143	19	1871 nt
7	11145	3	110 nt
Apr. 8	11151	10	5770 nt
15	11152	42	2571 nt
17	11153	26	6103 nt
June 17	11156	46	1111 nt
22	11157	37	301 nt
July 6	11160	42	253a nt
7	11161	49	1343 nt
Aug. 1	11164	3	301 nt
20	11173	5	5304 nt
Sept. 2	11175	26	4917 nt
22	11179	50 App.	2153 nt
Oct. 13	11184	3	301 nt
16	11185	20	1 nt

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.
1964			
Nov. 23	11189	5	5317 nt
Dec. 29	11190	10	271 nt
1965			
Jan. 4	11191	47	721 nt
13	11192	26	6103 nt
26	11194	26	6103 nt
30	11195	5	5317 nt
Feb. 2	11196	12	1701c nt
5	11197	42	2000e-15 nt
10	11198	26	4931 nt
26	11200	16	460*l*-5 nt
Mar. 4	11201	26	6103 nt
5	11202	5	3301 nt
12	11203	5	3301 nt
	11204	26	6103 nt
18	11206	26	6103 nt
25	11209	40 App.	101 nt
Apr. 2	11211	26	4917 nt
	11213	26	6103 nt
24	11216	26	112 nt
	11217	26	6103 nt
	11218	16	17k nt
May 6	11219	5	3301 nt
8	11222	18	201 nt
12	11223	22	2393 nt
22	11225	22	288 nt
27	11226	5	6103 nt
June 2	11227	22	288 nt
14	11228	3	301 nt
28	11230	3	301 nt
	-------	5	5921 nt
July 21	11235	26	6103 nt
27	11237	16	460*l*-8 nt
31	11239	33	1051 nt
Aug. 28	11242	37	301 nt
Sept. 24	11246	42	2000e nt
	11247	42	2000d-1 nt
Oct. 10	11248	5	5317 nt
	11250	22	2501 nt
19	11251	5	5317 nt
20	11252	7	1691 nt
	11253	37	301 nt
21	11254	19	2022 nt
Nov. 13	11257	3	301 nt
Dec. 3	11259	37	301 nt
11	11261	22	2381 nt
13	11262	5	5317 nt
31	11264	22	826 nt
1966			
Jan. 20	11268	5	5317 nt
Feb. 14	11269	22	286b nt
19	11270	10	5232 nt
Mar. 22	11273	5	5317 nt
30	11274	5	3347 nt
31	11275	3	301 nt
Apr. 30	11277	22	288 nt
May 11	11280	42	Prec. 2661 nt
13	11281	50 App.	6 nt
27	11283	22	288 nt
	11284	10	6371 nt
June 10	11285	26	4916 nt
July 21	11290	3	301 nt
Aug. 1	11292	37	301 nt
3	11293	5	5317 nt
4	11294	3	301 nt
5	11295	22	211a nt
10	11296	33	701 nt
11	11297	42	3532 nt
14	11298	10	1035 nt
15	11299	5	5317 nt
Sept. 6	11302	38	111 nt
12	11304	26	4917 nt
30	11307	42	3161 nt

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.	Status
1966				
Oct. 11	11310	28	509 nt	
14	11311	19	2051 nt	
	11312	22	2459 nt	
	11313	5	3347 nt	
Nov. 28	11316	5	5317 nt	
Dec. 5	11318	22	288 nt	
12	11320	22	2626 nt	
1967				
Jan. 5	11322	22	287c nt	
20	11323	5	5317 nt	
Feb. 13	11326	49	1510 nt	
20	11328	26	4931 nt	
Mar. 5	11330	42	Prec. 2711 nt	
6	11331	42	1962b nt	
7	11332	26	6103 nt	
	11333	10	6374 nt	
	11334	22	286b nt	
	-----	22	288 nt	
9	11335	5	5317 nt	
22	11336	7	1427 nt	
25	11337	26	6103 nt	
27	11338	5	5317 nt	
30	11340	49	1651 nt	
Apr. 20	11345	42	1962b nt	
	11346	5	5317 nt	
	11348	5	4103 nt	
May 23	11354	4	42 nt	
	-----	44	1505 nt	
26	11355	50 App.	2160 nt	
June 6	11357	15	1392 nt	
	11358	26	6103 nt	
20	11359	42	1962b nt	
29	11359A	16	17k nt	
July 20	11363	22	288 nt	
Aug. 4	11366	10	673a nt	
18	11367	5	5317 nt	
28	11368	26	4911 nt, 4917 nt	
29	11369	5	5317 nt	
30	11370	26	6103 nt	
Sept. 6	11371	42	1962b nt	
18	11372	22	288 nt	
20	11373	40	672 nt	
Oct. 13	11375	42	2000e nt	
17	11376	42	3001 nt	
Nov. 8	11380	22	2454 nt	
	11381	42	1862 nt	
28	11382	5	5921 nt	
	-----	10	271 nt, 802 nt, 2603 nt, 3746 nt	
	-----	23	313 nt	
	-----	31	203 nt	
	-----	33	981 nt, 1051 nt	
	-----	37	301 nt	
	-----	49	1115 nt, 1343 nt, 1510 nt, 1652 nt	
	-----	50	401 nt, 1431 nt	
30	11383	26	6103 nt	
Dec. 1	11384	5	5317 nt	
16	11385	5	5317 nt	
28	11386	42	3183 nt	
1968				
Jan. 1	11387	12	95a nt	
15	11388	5	3347 nt	
22	11389	5	5317 nt	
	11390	3	301 nt	
Feb. 7	11396	18	Prec. 1 nt	
Mar. 6	11399	25	Prec. 1 nt	
11	11400	5	5317 nt	
29	11402	16	17k nt	

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.
1968			
Apr. 10	11406	10	673a nt
25	11408	5	3301, 7301 nts
29	11409	5	5317 nt
June 11	11413	5	5332 nt
24	11414	37	203 nt
	11415	50 App.	454 nt
	11416	5	5317 nt
July 24	11417	22	287c nt, 2381 nt
31	11420	12	635j nt
Aug. 9	11421	5	5317 nt
15	11422	42	2979 nt
16	11423	3	301 nt
29	11424	37	301 nt
30	11425	19	1871 nt
31	11426	50 App.	2271 nt
Sept. 4	11427	46	1111 nt
5	11428	49	1652 nt
9	11429	38	111 nt
Oct. 22	11432	22	1934 nt
Nov. 8	11434	22	811a nt
21	11435	22	1323 nt
Dec. 2	11436	10	6372 nt
	11437	10	5751 nt
3	11438	10	1124 nt
11	11440	44	2105 nt
23	11441	5	5317 nt
1969			
Jan. 16	11446	5	7342 nt
	11448	10	Prec. 1121 nt
17	11449	19	1356h nt
19	11451	5	4103 nt
23	11452	42	3531 nt
24	11453	15	1023 nt
Feb. 7	11454	26	6103 nt
14	11455	42	4271 nt
	11456	3	106 nt
Mar. 4	11457	26	6103 nt
5	11458	15	631 nt
20	11460	50	403 nt
27	11461	26	6103 nt
Apr. 1	11463	5	5317 nt
3	11464	26	4911 nt
10	11465	26	6103 nt
18	11466	42	2962 nt
May 1	11467	16	1025 nt
10	11468	5	5317 nt
26	11470	42	2701 nt
29	11472	42	4321 nt
June 14	11473	37	301 nt
16	11474	5	5332 nt
	11475	37	203 nt
Aug. 7	11477	42	2187 nt
8	11478	42	2000e nt
Sept. 9	11480	29	38 nt
22	11482	29	171 nt
23	11483	26	6103 nt
29	11484	22	288 nt
Oct. 6	11487	5	3347 nt
27	11489	5	5317 nt
28	11490	50 App.	2292 nt
29	11491	5	7301 nt
Nov. 13	11493	42	3121 nt
18	11495	42	1855aaa nt
Dec. 1	11498	10	1171 nt
11	11499	5	5317 nt

Exec. Ord. Date	Exec. Ord. No.	U.S.C. Title	U.S.C. Sec.	U.S.C. Status
1969				
Dec. 12	11500	42	3531 nt	
22	11501	22	2751 nt	
1970				
Jan. 14	11504	5	5317 nt	
21	11505	26	6103 nt	
Feb. 2	11506	26	4917 nt	
4	11507	42	4331 nt	
10	11508	40	486 nt	
16	11510	5	5317 nt	
27	11511	37	301 nt	
	11512	40	490 nt	
Mar. 5	11514	42	4321 nt	
13	11515	5	4504 nt	
	------	23	313 nt	
	------	42	2571 nt	
	------	49	1652 nt	
19	11516	5	5317 nt	
	11517	18	3193 nt	
20	11518	15	639 nt	
26	11521	5	3302 nt	
Apr. 6	11522	50 App.	2292 nt	
9	11523	42	4321 nt	
15	11524	5	5332 nt	
	11525	37	203 nt	
22	11526	42	1855d nt	
24	11528	42	1962b nt	
	11529	21	Prec. 171 nt	
May 26	11530	7	1762 nt	
	11531	5	4102 nt	
June 4	11533	50 App.	2403 nt	
	11534	18	Prec. 1 nt	
12	11535	26	6103 nt	
30	11539	7	1854 nt	
July 1	11540	5	5317 nt	
	11541	31	16 nt	
2	11542	5	5317 nt	
8	11544	10	Prec. 1121 nt	
9	11545	10	1125 nt	
10	11547	42	Prec. 2711 nt	
20	11548	33	1151 nt	
28	11549	18	2152 nt	
30	11550	5	5317 nt	
Aug. 11	11551	25	Prec. 1 nt	
24	11552	5	3584 nt	
29	11554	10	5707 nt	
Sept. 4	11556	47	305 nt	
23	11560	40	486 nt	
25	11561	42	2994b nt	
Oct. 6	11564	15	1517 nt	
13	11565	3	110 nt	
Nov. 16	11567	15	1511 nt	
24	11570	39	3604 nt	
Dec. 23	11574	33	407 nt	
31	11575	42	Prec. 1411 nt	
1971				
Jan. 8	11576	5	5332 nt	
	11577	37	203 nt	
13	11578	42	1962b nt	
19	11579	22	2191 nt	
20	11581	5	5317 nt	
Feb. 11	11582	5	6103 nt	
Mar. 3	11584	26	6103 nt	
Apr. 23	11590	18	201 nt	
		42	2000e nt	

TABLE V.—PROCLAMATIONS

This Table lists the Proclamations that are referred to in U.S.C.

Proc. Date	Proc. No.	U.S.C. Title	U.S.C. Sec.
1938			
Oct. 25	2307	16	450r nt
1939			
Jan. 25	2320	16	441e nt
Sept. 5	2348	50 App.	Prec. 1 nt
	2350	50 App.	Prec. 1 nt
8	2352	50 App.	Prec. 1 nt
	2353	50 App.	Prec. 1 nt
10	2359	50 App.	Prec. 1 nt
Nov. 4	2374	50 App.	Prec. 1 nt
1940			
Apr. 25	2398	50 App.	Prec. 1 nt
	2399	50 App.	Prec. 1 nt
May 11	2404	50 App.	Prec. 1 nt
	2405	50 App.	Prec. 1 nt
June 10	2407	50 App.	Prec. 1 nt
	2408	50 App.	Prec. 1 nt
Nov. 15	2443	50 App.	Prec. 1 nt
	2444	50 App.	Prec. 1 nt
1941			
Apr. 10	2473	50 App.	Prec. 1 nt
15	2477	50 App.	Prec. 1 nt
24	2479	50 App.	Prec. 1 nt
May 27	2487	50 App.	Prec. 1 nt
Aug. 23	2505	15	Prec. 715 nt
Sept. 3	2508	15	Prec. 715 nt
Oct. 1	2517	15	Prec. 715 nt
1942			
Apr. 27	2553	19	1318 nt
July 2	2561	10	906 nt
17	2563	50	Prec. 1 nt
Aug. 28	2567	15	Prec. 715 nt
1944			
Feb. 18	2605	36	178 nt
1946			
Apr. 11	2685	50 App.	Prec. 1 nt
June 28	2693	22	1355 nt
July 4	2695	22	1394 nt
	2696	22	181 nt
Dec. 31	2714	50 App.	Prec. 1, 601 nts
1947			
Apr. 7	2725	12	95 nt
July 31	2738	26	4731 nt
1948			
July 1	2793	26	4731 nt
Sept. 4	2807	26	4731 nt
1949			
July 28	2847	22	1355 nt
Aug. 24	2851	26	4731 nt
1950			
Mar. 24	2879	26	4731 nt
Oct. 6	2906	50 App.	454 nt
Dec. 16	2914	50 App.	Prec. 1 nt
28	2915	50 App.	454 nt
1951			
June 22	2931	50 App.	2314 nt
Aug. 31	2942	50 App.	453 nt
Oct. 12	2948	19	1318 nt
25	2950	50 App.	Prec. 1 nt
1952			
Apr. 18	2972	50 App.	453 nt
29	2974	50 App.	Prec. 1 nt
Oct. 13	2992	46	141 nt
Nov. 5	2995	16	450y nt
1953			
June 18	3023	26	4731 nt
1954			
Mar. 1	3044	36	175 nt
July 10	3060	22	1251 nt
1955			
Feb. 28	3082	26	4731 nt
1956			
June 12	3139	26	4731 nt
28	3144	16	192b nt
1957			
Apr. 17	3178	7	624 nt
Sept. 23	3204	10	334 nt
Dec. 13	3214	26	4731 nt
1958			
Apr. 1	3229	26	4731 nt
Dec. 31	3266	26	4731 nt
1959			
Jan 3	3269	48	Prec. 21 nt
Mar. 10	3279	19	1862 nt
Apr. 30	3290	19	1352a nt
June 3	3297	26	4731 nt
	3298	8	1151 nt
Aug. 7	3306	7	624 nt
11	3308	16	430ii nt
21	3309	48	Prec. 491 nt
Sept. 16	3314	50 App.	453 nt
Oct. 14	3321	26	4731 nt
Dec. 10	3328	19	1352a nt
1960			
Mar. 15	3339	16	461 nt
July 6	3355	7	1158 nt
20	3358	26	4731 nt

Proc. Date	Proc. No.	U.S.C. Title	U.S.C. Sec.
1960			
Aug. 3	3362	26	4731 nt
Sept. 23	3372	8	1151 nt
	3374	16	192b nt
Oct. 27	3376	8	1151 nt
29	3377	26	4731 nt
Dec. 16	3383	7	1158 nt
21	3384	8	1151 nt
22	3385	46	216a nt
24	3386	19	1352a nt
1961			
Jan. 17	3389	19	1352a nt
Mar. 31	3401	7	1158 nt
June 12	3417	8	1151 nt
Sept. 11	3428	7	624 nt
Dec. 1	3440	7	1158 nt
	3441	8	1151 nt
1962			
Jan. 2	3443	16	431 nt
Feb. 3	3447	22	2370 nt
May 2	3471	7	624 nt
July 26	3485	7	1112 nt
Sept. 30	3497	10	334 nt
Oct. 23	3503	8	1151 nt
	3504	50 App.	Prec. 1 nt
Nov. 21	3507	50 App.	Prec. 1 nt
30	3509	19	1352a nt
1963			
Apr. 19	3531	19	1352a nt
June 10	3541	19	1862 nt
11	3542	10	334 nt
Sept. 10	3554	10	334 nt
1964			
Jan. 7	3569	8	1151 nt
	3570	8	1151 nt
Apr. 30	3587	8	1151 nt
Sept. 4	3613	8	1151 nt
Oct. 31	3626	8	1151 nt
Dec. 29	3632	33	1051 nt
1965			
Feb. 5	3637	8	1151 nt
May 7	3655	36	Prec. 141 nt
Oct. 21	3682	19	2011 nt
22	3683	19	1202 nt
1965			
Dec. 10	3693	19	1862 nt
27	3694	19	1202 nt
1966			
Jan. 7	3696	19	1202 nt
	3697	19	1202 nt
28	3703	19	1202 nt
Mar. 31	3709	19	1202 nt
Apr. 5	3712	19	1202 nt
Sept. 8	3743	19	2011 nt
13	3744	19	1202 nt
Nov. 3	3754	19	Prec. 1202 nt
1967			
Jan. 11	3761	19	1202 nt
	3762	19	1202 nt
Apr. 10	3779	19	1862 nt
July 12	3792	17	9 nt
17	3794	19	1862 nt
Oct. 11	3815	19	1202 nt
	3816	19	1202 nt
Nov. 6	3818	19	1202 nt
9	3820	19	1862 nt
1968			
Jan. 29	3823	19	1862 nt
June 10	3855	46	216a nt
1969			
Jan. 6	3884	19	1202 nt
18	3886	19	1202 nt
20	3889	16	431 nt
Nov. 26	3945	50 App.	455 nt
Dec. 12	3948	36	175 nt
24	3950	19	1202 nt
	3951	19	1202 nt
31	3953	19	1202 nt
1970			
Feb. 21	3964	19	1202 nt
27	3967	19	1202 nt
Mar. 10	3969	19	1862 nt
June 17	3990	19	1862 nt
30	3993	19	1202 nt
Sept. 4	4000	36	178 nt
Oct. 16	4018	19	1862 nt
Dec. 22	4025	19	1862 nt
31	4026	19	1202 nt

TABLE VI.—REORGANIZATION PLANS

This Table lists the Reorganization Plans that are set out in U.S.C.

Statutes at Large			U.S.C.	
Section	Vol.	Page	Title	Section
1939 Plan No. 1				
All	53	1423	5 App.	
1939 Plan No. 2				
All	53	1431	5 App.	
1940 Plan No. 3				
All	54	1231	5 App.	
1940 Plan No. 4				
All	54	1234	5 App.	
1940 Plan No. 5				
All	54	1238	5 App.	
1946 Plan No. 2				
All	60	1095	5 App.	
1946 Plan No. 3				
All	60	1097	5 App.	
1947 Plan No. 1				
All	61	951	5 App.	
1947 Plan No. 3				
All	61	954	5 App.	
All	61	954	42	1403 nt
1949 Plan No. 2				
All	63	1065	5 App.	
1949 Plan No. 3				
All	63	1066	5 App.	
1949 Plan No. 4				
All	63	1067	5 App.	
1949 Plan No. 5				
All	63	1067	5 App.	
1949 Plan No. 6				
All	63	1069	5 App.	
All	63	1069	46	1111 nt
1949 Plan No. 7				
All	63	1070	5 App.	
1950 Plan No. 2				
All	64	1261	5 App.	
1950 Plan No. 3				
All	64	1262	5 App.	
1950 Plan No. 5				
All	64	1263	5 App.	
1950 Plan No. 6				
All	64	1263	5 App.	
1950 Plan No. 8				
All	64	1264	5 App.	
All	64	1264	15	41 nt
1950 Plan No. 9				
All	64	1265	5 App.	
All	64	1265	16	792 nt
1950 Plan No. 10				
All	64	1265	5 App.	
All	64	1265	15	78d nt
1950 Plan No. 13				
All	64	1266	5 App.	
1950 Plan No. 14				
All	64	1267	5 App.	
1950 Plan No. 15				
All	64	1267	5 App.	
1950 Plan No. 16				
All	64	1268	5 App.	
1950 Plan No. 17				
All	64	1269	5 App.	
1950 Plan No. 18				
All	64	1270	5 App.	
All	64	1270	40	490 nts
1950 Plan No. 20				
All	64	1272	5 App.	
1950 Plan No. 21				
All	64	1273	5 App.	
All	64	1273	46	1111 nt
1950 Plan No. 22				
All	64	1277	5 App.	
All	64	1277	12	1717 nt
1950 Plan No. 23				
All	64	1279	5 App.	
All	64	1279	12	1701g nt
1950 Plan No. 25				
All	64	1280	5 App.	
All	64	1280	50	404 nt
1950 Plan No. 26				
All	64	1280	5 App.	
1951 Plan No. 1				
All	65	773	5 App.	
All	65	773	15	601 nt
1952 Plan No. 1				
All	66	823	5 App.	
All	66	823	26	7804 nt

Statutes at Large			U.S.C.	
Section	Vol.	Page	Title	Section
1953 Plan No. 1				
All	67	631	5 App.	
1953 Plan No. 2				
All	67	633	5 App.	
1953 Plan No. 3				
All	67	634	5 App.	
All	67	634	50	404 nt
1953 Plan No. 5				
All	67	637	5 App.	
All	67	637	12	635a nt
1953 Plan No. 6				
All	67	638	5 App.	
1953 Plan No. 8				
All	67	642	5 App.	
All	67	642	22	1461 nt
1953 Plan No. 9				
All	67	644	5 App.	
All	67	644	15	1023 nt
1954 Plan No. 1				
All	68	1279	5 App.	
All	68	1279	22	1622 nt
1954 Plan No. 2				
All	68	1280	5 App.	
All	68	1280	15	609 nt
1957 Plan No. 1				
All	71	647	5 App.	
All	71	647	5	601 nt
1958 Plan No. 1				
All	72	1799	5 App.	
All	72	1799	50	2271 nt
1961 Plan No. 3				
All	75	837	5 App.	
All	75	837	49	1324 nt
1961 Plan No. 4				
All	75	837	5 App.	
All	75	837	15	41 nt
1961 Plan No. 6				
All	75	838	5 App.	
All	75	838	12	1437 nt
1961 Plan No. 7				
All	75	840	5 App.	
All	75	840	46	1111 nt
1962 Plan No. 2				
All	76	1253	5 App.	
All	76	1253	42	1861nt
1963 Plan No. 1				
All	77	869	5 App.	
1965 Plan No. 1				
All	79	1317	5 App.	
All	79	1317	19	1 nt
1965 Plan No. 2				
All	79	1318	5 App.	
All	79	1318	15	311 nt
All	79	1318	33	851 nt
1965 Plan No. 3				
All	79	1320	5 App.	
All	79	1320	45	22 nt
1965 Plan No. 4				
All	79	1321	5 App.	
1965 Plan No. 5				
All	79	1323	5 App.	
1966 Plan No. 1				
All	80	1607	5 App.	
All	80	1607	42	2000g nt
1966 Plan No. 2				
All	80	1608	5 App.	
All	80	1608	33	1151 nt
1966 Plan No. 3				
All	80	1610	5 App.	
All	80	1610	42	202 nt
1966 Plan No. 4				
All	80	1611	5 App.	
All	80	1611	20	84 nt
1966 Plan No. 5				
All	80	1611	5 App.	
All	80	1611	40	71b nt
1967 Plan No. 1				
All	81	947	5 App.	
All	81	947	46	961 nt
1967 Plan No. 3				
All	81	948	5 App.	
1968 Plan No. 1				
All	82	1367	5 App.	
All	82	1367	28	509 nt
1968 Plan No. 2				
All	82	1369	5 App.	
All	82	1369	49	1608 nt
1968 Plan No. 3				
All	82	1370	5 App.	
1968 Plan No. 4				
All	82	1371	5 App.	
1969 Plan No. 1				
All	83	859	5 App.	
All	83	859	49	11 nt
1970 Plan No. 1				
All	84	--------	5 App.	
All	84	--------	47	305 nt
1970 Plan No. 2				
All	84	--------	5 App.	
All	84	--------	31	16 nt
1970 Plan No. 3				
All	84	--------	5 App.	
All	84	--------	42	4321 nt
1970 Plan No. 4				
All	84	--------	5 App.	
All	84	--------	15	1511 nt

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